

Compliance Report on 'Action Taken to prevent pollution from improper Pesticide Management' in reference to order passed by Hon'ble Principal Bench of National Green Tribunal, New Delhi in the matter of Shailesh Singh Vs Union of India & Ors. (OA No. 46/2020)

Date of Order: 19.02.2020

Background

An order dated 19.02.2020 was received in the Ministry of Environment, Forest and Climate Change (hereafter referred as MoEFCC) wherein the Hon'ble NGT has sought the status of action taken by the MoEFCC with regard to restricting the usage of chemical pesticides affecting health of citizens and contaminating soil. Hon'ble NGT has referred to news articles of BBC News and Times of India along with a study by King George Medical University, Lucknow. All the references have been submitted by the petitioner in his application. The reports mention that 7 lakh hectares of land has converted into barren land due to usage of chemical pesticides thereby contaminating the soil.

Hon'ble NGT Direction

MoEFCC and CPCB may submit a report on strategies adopted to remedy/ prevent the problem.

MoEFCC's Response

The matter was referred to Central Pollution Control Board (CPCB) for comments and based on CPCB's inputs, the preliminary response is prepared for perusal of the Hon'ble Tribunal. The matter has also been referred to Ministry of Agriculture and Farmers Welfare (MoAFW) for comments. Upon receipt of a reply from MoAFW, a consolidated response shall be filed.

Following preliminary submissions on the averments made by the petitioner are placed for consideration please:

- As averred by the petitioner in its application that the CPCB and concerned State Pollution Control Boards/ Pollution Control Committees (SPCBs/ PCCs) do not take soil samples during monitoring; the CPCB has reported that the type of sampling (i.e. emission sampling/ effluent sampling or soil / solid waste sampling) undertaken during

an inspection depends upon the nature and extent of pollution observed, mode of discharge of effluent, emissions and disposal of solid/ hazardous wastes. Further, CPCB has a functional soil and solid waste laboratory and has analyzed 375 (Three Hundred Seventy Five) soil and solid waste samples between April 01, 2017 to March 16, 2020.

- With regard to pesticide contamination in fruits, vegetable and soil; it is submitted that the Directorate of Plant Protection, Quarantine and Storage under the MoAFW mandated to popularize adoption of integrated pest management (IPM) through promotion of biological control approaches in crop protection technology, ensuring availability of safer and effective pesticides through regulatory measures under the Insecticides Act, 1968, prevent introduction of exotic pests inimical to Indian agriculture by implementation of Destructive Insects and Pests Act, 1914 supported by Plant Quarantine Order (Regulation of Import into India), 2003, advise and assist the union government on all matters including international obligations related to plant protection, keep watch and control over locust in scheduled desert area, human resource development in plant protection technology and monitoring pesticides' residues at national level in food commodities and environmental media i.e. water and soil.
- With regard to 280 approved pesticide molecules (of which 99 are banned in other countries), it is submitted that the Central Insecticides Board and Registration Committee (CIBRC) constituted under the Insecticides Act, 1968 and functioning under the aegis of MoAFW is the nodal agency to regulate the registration and use of pesticides in India. While the Board advises the Central Government and State Governments on technical matters including the risk to human being or animals involved in the use of insecticides and the safety measures necessary to prevent such risk, the Registration Committee specifies the precautions to be taken against poisoning through the use or handling of insecticides.
- With regard to discharge of industrial wastes and release of sewage into dumping grounds and streams or rivers leading to soil pollution, it is submitted that CPCB/ SPCBs/ PCCs conducts regular inspections of industrial units and Sewage Treatment Plants to assess their compliance to prescribed standards under routine inspections, investigation of VIP/ public complaints and directives of Hon'ble NGT/ Hon'ble Courts. The Environment (Protection) Rules, 1986 prescribe industry-specific emission and effluent discharge standards. The non-compliance with regard to emission/ effluent discharge standards, practicing unauthorized disposal of effluent or hazardous wastes on land lead to initiation of action against the unit which include issuance of Show Cause Notice and/ or closure directions.

In view of the submissions made above, it is submitted that MoAFW is the nodal agency dealing with the issues related to pesticide management. As the response of MoAFW is also sought in the matter, it is requested that the applicant may be asked to take up the matter with MoAFW.

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