

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 717 OF 2024

In the matter of:

News Item titled as "People are breathing in Cancer-Causing Chemicals in their cars study find" appearing in NDTV.com dated 08.05.2024

Index

Sr. No.	Particulars	Page No.
1.	Reply on behalf of Central Pollution Control Board (CPCB) i.e, respondent no. 1, in compliance to Hon'ble NGT order dated 02.07.2024 in O.A. No. 717/2024; titled as "News Item titled as "People are breathing in Cancer-Causing Chemicals in their cars study find" appearing in NDTV.com dated 08.05.2024"	1-5
2.	Annexure I: A copy of Hon'ble NGT order dated 02.07.2024, in O.A. No. 717/2024.	6-8



Adv. Amit Singh Chauhan

(On behalf of Central Pollution Control Board)

Dated: 10.09.2024

Place: Delhi

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

ORIGINAL APPLICATION NO. 717 OF 2024

IN THE MATTER OF:

News Item titled as "People are breathing in Cancer-Causing Chemicals in their cars study find" appearing in NDTV.com dated 08.05.2024

**REPLY ON BEHALF OF RESPONDENT NO. 1 CENTRAL POLLUTION
CONTROL BOARD (CPCB)**

Most Respectfully Showeth:

1. That this Hon'ble Tribunal vide its Order dated 02.07.2024 and Notice dated 15.07.2024 sought reply/response of Respondent No. 1 i.e **CPCB** in the instant matter. Accordingly, the reply is being submitted before this Hon'ble Tribunal.
2. That the Respondent CPCB is a statutory Board constituted under Section 3 of The Water (Prevention and control of Pollution) Act, 1974. It performs the functions under The Water (Prevention and control of Pollution) Act, 1974, The Air (Prevention and control of Pollution) Act, 1981 and The Environment (Protection) Act, 1986.
3. That as per the News Item, the researchers had analysed the cabin air of 101 electric, gas and hybrid cars with a model year between 2015 and 2022 and found that 99% of cars contained a flame retardant called "TCIPP", which is under investigation by the US National Toxicology Program as a potential carcinogen. It is also brought out in the news item that most cars also had two more flame



retardants, TDCIPP and TCEP, which are considered carcinogenic. The news item highlights that these flame retardants are linked to neurological and reproductive harms as well. The news item also states that the same is concerning for drivers with longer commutes as well as child passengers, who breathe more air pound for pound than adults. The news item further alleges that the researchers have observed that the source of the cancer-causing compounds in the cabin air is seat foam. It is alleged that car manufacturers add the chemicals to seat foam and other materials to meet an "outdated" flammability standard with no proven fire-safety benefit. It further alleges that flame retardants contribute to their very high cancer rates.

4. That with regard to the averments made in the subject News Item, the following is submitted for kind consideration of Hon'ble Tribunal:

- a. The Ministry of Environment, Forest & Climate Change (MoEF&CC) has notified Manufacture, Storage and Import of Hazardous Chemicals(MSIHC) Rules, 1989. The flame retardants, Tris (1-chloro-isopropyl) phosphate (TCIPP), Tris(1,3-dichloro-2-propyl) phosphate (TDCIPP) and Tris(2-carboxyethyl) phosphine(TCEP) used in the automotive industry as product are not listed in the MSIHC Rules,1989.
- b. MoEF&CC Vide Gazette Notification bearing no. GSR 608 (E) dated 21.07.2010, has notified effluent and emission standards for organic chemical manufacturing industry including industries manufacturing halo aliphatics, plasticisers, aromatics (alcohols, phenols, esters, acids and salts, aldehydes and ketones), substituted aromatics, aliphatics (alcohols, phenols, esters, acids, aldehydes, ketones, amines and amides) and detergents.
- c. That the automobile safety standards are prescribed by the Ministry of Road Transport and Highways (MoRTH) and are enforced by the Automotive Research Association of India (ARAI) and the National Automotive Testing and R&D Infrastructure Project (NATRiP). The regulations cover various



aspects of vehicle safety, including occupant protection, crash worthiness and standards of emission from motor vehicle.

- d. The Bureau of Indian Standards (BIS) has been mandated to establish specific standards for flammability and flame resistance of Textile fabrics.
 - e. CPCB has issued emission and effluent discharge standards for various processes of the chemical sector/ industries. However, the Answering Respondent herein i.e CPCB has not carried out any study pertaining to aforesaid flame retardants used in the automotive industry as product.
 - f. The Automotive Research Association of India (ARAI) and the National Automotive Testing and R&D Infrastructure Project (NATRiP) and BIS may be better equipped to assist the Hon'ble Tribunal in this regard.
5. That, the answering respondent craves leave of this Hon'ble Tribunal to file additional reply, in future, if required.
6. That in the light of the above submissions, it is respectfully submitted that this Answering Respondent, i.e., CPCB, shall abide by any order(s) or direction(s) passed by this Hon'ble Court in the instant OA.



(Dinabandhu Gouda)
Scientist 'F'
Central Pollution Control Board

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO. 717 OF 2024

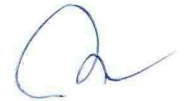
IN THE MATTER OF:

News Item titled as "People are breathing in Cancer-Causing Chemicals in their cars study find" appearing in NDTV.com dated 08.05.2024

AFFIDAVIT

I, Dinabandhu Gouda, working as Scientist 'F' in Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi, the Respondent No. 1 in the above matter, do hereby solemnly affirm, declare on oath and state as under:-

1. That I, the deponent in the instant matter is duly authorized to represent the Respondent CPCB in the present case, and as such, I am well conversant with the facts and circumstances of the present case on the basis of the information derived from the official records and hence, I am competent and authorized to verify, sign and swear this affidavit on behalf of the Respondent CPCB.
2. That the accompanying reply may be read part and parcel of the present affidavit.
3. That the accompanying reply has been drafted and filed under my instructions and authority the contents thereof are true and correct on the basis of the record maintained during ordinary course of business of CPCB and available records and documents and the contents of the same are read over and explained to me and are not repeated herein for the sake of brevity.



DEPONENT

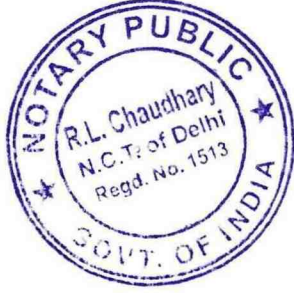


दानबन्धु गोडा /Dinabandhu Gouda
प्रभागीय प्रमुख, आई.पी.सी.-1/Divisional Head, IPC-1
केन्द्रीय प्रदूषण नियंत्रण बोर्ड
Central Pollution Control Board
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार
M/o Env't. Forest & Climate Change, Govt. of India
परिवेश भवन, पूर्वी अर्जुन नगर, दिल्ली-110032
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

VERIFICATION

10 SEP 2024

Verified at New Delhi on this day of _____ 2024 that the contents of the above reply are correct and true on the basis of the records of the case as mentioned in the day-to-day affairs of the CPCB. Nothing has been concealed therefrom or mis-stated.

DEPONENT

दीनबन्धु गोडा /Dinabandhu Gouda
प्रभागीय प्रमुख, आई.पी.सी.-1/Divisional Head, IPC-1
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Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ATTESTED
**NOTARY PUBLIC
GOVT. OF INDIA**

10 SEP 2024

Item No. 07

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 717/2024

News Item titled "People Are Breathing In Cancer-Causing Chemicals in their cars study find" appearing in NDTV.com dated 08.05.2024

Date of hearing: 02.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This original application is registered *suo-motu* on the basis of the news item titled "People Are Breathing In Cancer-Causing Chemicals in their cars study find" appearing in NDTV.com dated 08.05.2024.

2. The matter relates to a research study published in Environmental Science & Technology that asserts the presence of cancer causing chemicals in the car. As per the article, researchers analysed the cabin air of 101 electric, gas and hybrid cars with a model year between 2015 and 2022. It was found that 99% of cars contained a flame retardant called TCIPP, which is under investigation by the US National Toxicology Program as a potential carcinogen. Most cars also had two more flame retardants, TDCIPP and TCEP, which are considered carcinogenic.

3. The news item highlights that these flame retardants are linked to neurological and reproductive harms as well. It states that since an average driver spends about an hour in the car every day, this is a significant public health issue. This is particularly concerning for drivers

with longer commutes as well as child passengers, who breathe more air pound for pound than adults.

4. The news item further alleges that the study found that the levels of toxic flame retardants were highest in the summer as heat increases the release of chemicals from the car materials. The researchers said that the source of the cancer-causing compounds in the cabin air is seat foam. Car manufacturers add the chemicals to seat foam and other materials to meet an "outdated" flammability standard with no proven fire-safety benefit. It further alleges that flame retardants contribute to their very high cancer rates. Filling products with these harmful chemicals does little to prevent fires for most uses and instead makes the blazes smokier and more toxic for victims.

5. The above matter indicates violation of the Air (Prevention and Control of Pollution) Act, 1981 and the Environment Protection Act, 1986.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

8. Hence, we implead the following as respondents in the matter:

- i. Central Pollution Control Board, Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

- ii. Ministry of Environment Forest and Climate Change, Through its Secretary Indira Paryavaran Bhawan Jorbagh Road, New Delhi – 110 003 INDIA.
 - iii. Indian Council of Medical Research, Through its Secretary V Ramalingaswami Bhawan, PO Box No. 4911, Ansari Nagar, New Delhi-110029.
 - iv. Ministry of Heavy Industries through its Secretary Udyog Bhawan, Rafi Marg, New Delhi- 110011
9. Let notice be issued to the above respondents for filing their response at least one week before the next date of hearing.
10. List on 12.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 02, 2024
O.A No. 717/2024
HB