

BEFORE THE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 173 of 2020

IN THE MATTER OF:

NEWS ITEM PUBLISHED IN THE NEWS 18 INDIA DT. 06TH AUGUST 2020 TITLED 700 TONNES OF AMMONIUM NITRATE STORED IN CHENNAI SAFE E AUCTION DONE: CUSTOMER AFTER BEIRUT BLAST.

Registered on: 14.08.2020

NDOH: 24.08.2020

I N D E X

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Filed by:



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Filed on: 19.08.2020

Place: New Delhi

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 173 of 2020

IN THE MATTER OF:

NEWS ITEM PUBLISHED IN THE NEWS 18 INDIA DT. 06TH AUGUST 2020 TITLED 700 TONNES OF AMMONIUM NITRATE STORED IN CHENNAI SAFE E AUCTION DONE: CUSTOMER AFTER BEIRUT BLAST.

**REPORT SUBMITTED BY DIRECTOR, INDUSTRIAL SAFETY AND HEALTH,
GOVERNMENT OF TAMILNADU, CHENNAI-32**

I, M.V. Senthil kumar, son of M.P.Velusamy, aged 54 years, having office at T.S No 47/1, Thiru.Vi.Ka Industrial Estate, Guindy, Chennai-32, do hereby solemnly affirm and sincerely states as follows:

1. I am the Director of Industrial Safety and Health (FAC), Government of Tamil Nadu and I am filing this report on behalf our Directorate of Industrial Safety and Health, Government of Tamil Nadu and as such I am well acquainted with the facts of the case as per records.
2. It is submitted that the Directorate of Industrial Safety and Health enforces Factories Act 1948 and 16 other allied labour laws in the factories Registered under Factories Act 1948. The custom ware house SATVA 1 CFS in Ponneri Road, Manali, is not a factory as per the definition under Section 2(m) of Factories Act 1948. The docks and warehouses don't come under the purview of this Directorate.

3. It is submitted that as per Rule 3 read with Schedule - 5 of Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, the duties of Director of Industrial Safety and Health is limited to the factories covered under Factories Act 1948. The applicable portion of Schedule-5 of Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, is reproduced here.

"Enforcement of directions and procedures in respect of industrial installations and isolated storages covered under the Factories Act, 1948, dealing with hazardous chemicals and pipelines including inter-state pipelines regarding.

- *Notification of major accidents as per Rule 5(1) and 5 (2).*
- *Notification of sites as per Rules, 7 to 9.*
- *Safety reports as per Rules, 10 to 12.*
- *Preparation of on-site emergency plans as per Rule 13.*
- *Preparation of off-site emergency plans in consultation with District Collector or District Emergency Authority as per S. No. 9 of this schedule. "*

4. It is submitted that, the premises wherein Ammonium Nitrate was stored, is not a factory as per Factories Act 1948. The Chairman, Tamil Nadu Pollution Control Board has written a letter to send a report on this issue. As stated above, inspection on the isolated storage is out of the purview and jurisdiction of Director of Industrial Safety and Health. This has been communicated to Chairman, Tamil Nadu Pollution Control Board vide this office letter dated 07.08.2020.

5. It is submitted that as reported in the media the officials of Tamil Nadu Pollution Control Board have inspected the premises along with the officials of other departments and taken further steps on this issue.

Under the above circumstances, it is humbly prayed that Hon'ble National Green Tribunal may be pleased to take this report on record and pass suitable orders as this Hon'ble Tribunal may deem fit and thus render justice.

 20/08/2020
DIRECTOR [FAC]
Industrial Safety and Health,
Chennai.

TAMILNADU POLLUTION CONTROL BOARD



From
Thiru A.V.Venkatachalam, I.F.S.,
Chairman
Tamil Nadu Pollution Control Board
76, Mount Salai, Guindy,
Chennai – 600 032.

To
The Director of Industrial Safety and
Health,
T.S. No. 47/1, SIDCO Industrial Estate,
(Near Metro Water Roundtana),
Guindy, Chennai-600 032.

H2



Letter No. T2/TNPCB/F.013935/2020, dated 06.08.2020

Sub: TNPCB – HWM – Ammonium Nitrate Storage in Customs bonded ware house in Ponneri Road, Manali, Thiruvallur District – Inspection Report called by the Government – Reg.

- Ref: 1. Proceeding No. T4/TNPCB/COVID-19/2020, 08.05.2020.
2. Message received from the Government on 06.08.2020.

I am to invite your kind attention to the reference 1st cited, wherein following direction was issued under Section 5 of the Environment (Protection) Act, 1986.

'It shall be ensured that all the industrial installations and isolated storages covered under the Factories Act, 1948, dealing with hazardous chemicals as per the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989 as amended shall operate strictly in accordance with up-to-date On-site emergency plans and off-site emergency plans prepared in consultation with the District Collector.'

Today (06.08.2020), message has been received from the Government that there is a Customs bonded ware house SATVA 1 CFS in Ponneri Road, Manali. In the ware house, there is a stock of about 740 metric tonnes of ammonium nitrate seized during the October 2015 at Chennai Port.

It is reported in the media that there was a catastrophic explosion at Beirut port on 04.08.2020 that has killed at least 100 people and injured around 4000. According to the news report, the explosion was occurred in the ammonium nitrate storage.

In view of such hazard nature of ammonium nitrate, the Government have directed the concerned Departments to inspect the above Custom bonded ware house and submit a report. Ammonium Nitrate is covered under the Manufacture, Storage & Import of Hazardous Chemical Rules, 1989.

In view of the above, it is requested that necessary inspection may be carried out by the Directorate of Industrial Safety and Health in the above said ware house and submit a report to the Government atonce.

Sd/-
Chairman


For Chairman

No. 76, MOUNT SALAI, GUINDY, CHENNAI - 600 032.
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DIRECTORATE OF INDUSTRIAL SAFETY AND HEALTH

From
Thiru. M.V.Senthilkumar, M.E.,
Director (FAC),
Industrial Safety and Health,
Chennai - 600 032

To
The Chairman,
Tamilnadu Pollution Control Board,
76, Mount Salai, Guindy,
Chennai - 600 032

Lr.No.H2/8449/2020

Date:-07.08.2020.

Sir,

SUB: Factories Act 1948 and Tamilnadu Factories Rules 1950 - Ammonium Nitrate storage in customs bonded ware house in Ponneri Road, Manali, Thiruvallur District - Inspection report called for - Reply sent - Reg.

REF: Letter from Tamilnadu Pollution Control Board No. T2/TNPCB/F.013935/2020 dated 06.08.2020.

I invite your kind attention to the reference cited, wherein it is requested to inspect the custom ware house SATVA 1 CFS in Ponneri Road, Manali. In this regard, I wish to state that docks and warehouses does not come under the purview of this Directorate. As per Rule 3 read with Schedule - 5 of Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, the duties of Director of Industrial Safety and Health is limited to the factories covered under Factories Act 1948.

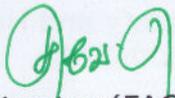
The applicable portion of Schedule-5 of Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, is reproduced here.

"Enforcement of directions and procedures in respect of industrial installations and isolated storages covered under the Factories Act, 1948, dealing with hazardous chemicals and pipelines including inter-state pipelines regarding.

- *Notification of major accidents as per Rule 5(1) and 5 (2).*
- *Notification of sites as per Rules, 7 to 9.*
- *Safety reports as per Rules, 10 to 12.*
- *Preparation of on-site emergency plans as per Rule 13.*

**Preparation of off-site emergency plans in consultation with District Collector or District Emergency Authority as per S. No. 9 of this schedule. "*

Since, the premises wherein Ammonium Nitrate is stored, is not a factory as per Factories Act 1948 and the requested inspection by Chairman, TNPCB, is out of the purview of Director of Industrial Safety and Health.

 07/08/2020

Director (FAC),
Industrial Safety and Health
Chennai-32

Copy submitted to -
The Additional Chief Secretary to Government,
L&E department, Chennai - 09.