

Item No. 10

Court No. 1

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

Original Application No. 400/2019

Social Action for Forest & Environment (SAFE)

Applicant(s)

Versus

Union of India &Ors.

Respondent(s)

Date of hearing: 25.04.2019

CORAM:

**HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Sanjay Upadhyay, Mr. Vaibhav Mishra, Ms. Upama
Bhattacharya, Mr. Saumitra Jaiswal, Advocates

ORDER

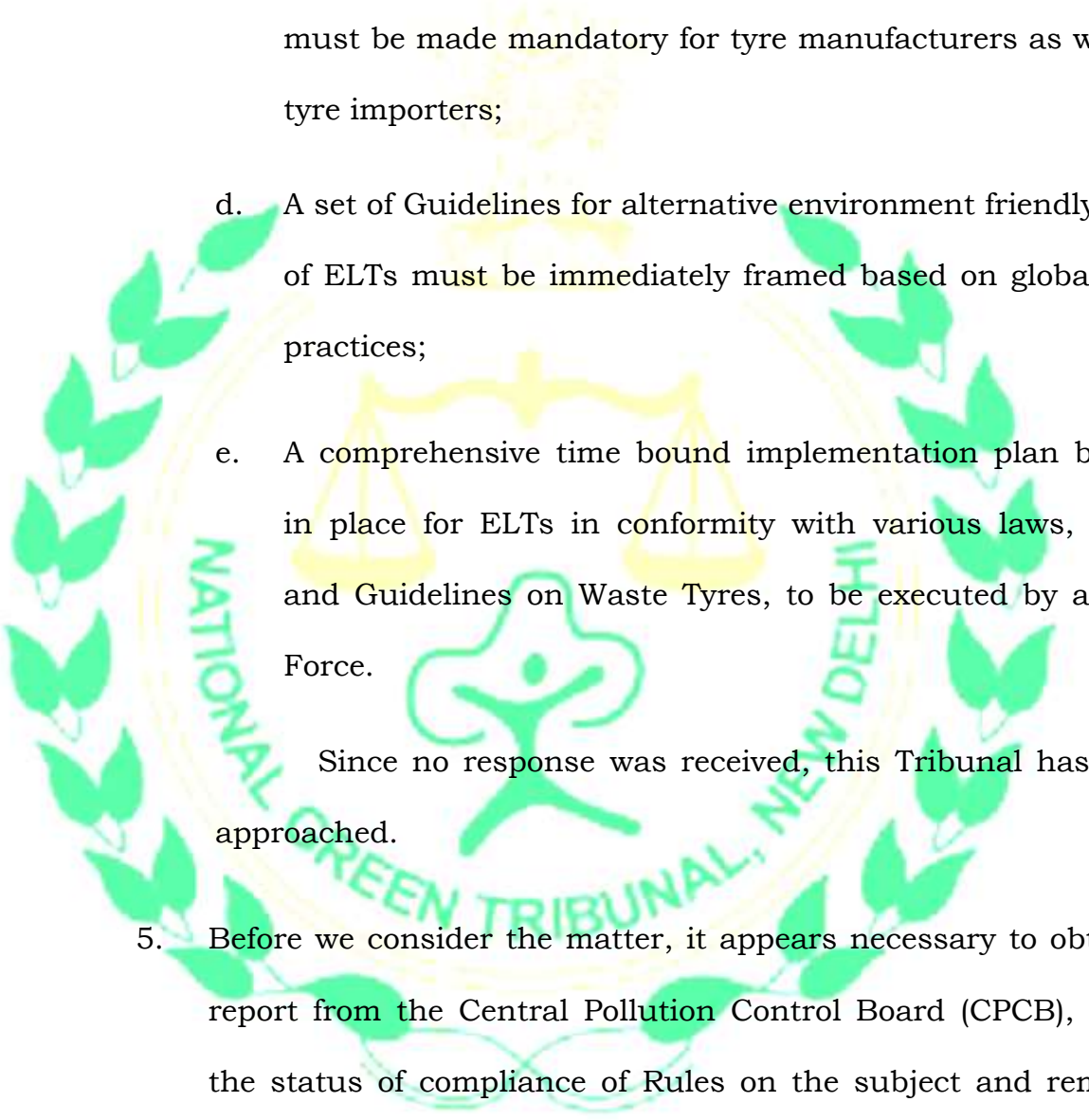
1. The issue for consideration is the absence of proper management of End-of-life tyres/waste tyres (ELTs) which is regulated by the Environment (Protection) Act, 1986, Environment Protection Rules, 1986, Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016, CPCB's Guidelines for Environmentally Sound Management of End of life Vehicles, 2016 and Standard Operating procedure (SOP) issued by the MoEF&CC.
2. According to the applicant, use of waste tyres by the pyrolysis industry operating in the country which are engaged in producing inferior quality 'pyrolysis oil', pyrolysis gas (pyro gas),

solid residue (char), carbon black and steel through the pyrolysis process needs to be banned to prevent environmental damage. The activity emits highly carcinogenic/cancer-causing pollutants such as polycyclic aromatic hydrocarbons (PAH), dioxin, furans and oxides of nitrogen which are extremely harmful to the respiratory system.

3. Vide order dated 12.09.2018, in O.A No. 616/2018, *Residents of Gram Mahmood Garhi & Gasupur v. State of Uttar Pradesh*, this Tribunal considered the issue in respect of such activities in District Meerut, Uttar Pradesh and sought an action taken report. The matter was thereafter disposed of on 19.12.2018 in view of the report that the activity had stopped. It is submitted that such activities are going on throughout India unchecked resulting in serious damage to the environment. Instead of used tyres being processed in illegal manner, concepts like Extended Producer Responsibility and Advanced Recycling Charges need to be evolved.

4. The applicant claims to have represented to the MoEF&CC with following prayers:

- a. There should be a complete ban of ELTs in Pyrolysis Industries due to non-implementation of the existing laws by the Pyrolysis Plants resulting in adverse environmental impact;

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- b. A comprehensive performance assessment of pyrolysis industries should be ordered to be done through the SPCBs or an independent agency in order to gauge the magnitude of the problem at hand;
 - c. The principle of Extended Producer Responsibility (EPR) must be made mandatory for tyre manufacturers as well as tyre importers;
 - d. A set of Guidelines for alternative environment friendly uses of ELTs must be immediately framed based on global best practices;
 - e. A comprehensive time bound implementation plan be put in place for ELTs in conformity with various laws, Rules and Guidelines on Waste Tyres, to be executed by a Task Force.

Since no response was received, this Tribunal has been approached.

5. Before we consider the matter, it appears necessary to obtain a report from the Central Pollution Control Board (CPCB), about the status of compliance of Rules on the subject and remedial measures required, within three months by email at ngt.filing@gmail.com. CPCB may compile information on the subject from the relevant quarters.

6. A copy of this order be sent to the Central Pollution Control Board (CPCB) by email.
7. The applicant may furnish a set of papers to the Central Pollution Control Board (CPCB) and file an affidavit of service within one week.

List for further consideration on 19.08.2019.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

April 25, 2019
Original Application No. 400/2019
AK

