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Bihar State Pollution Control Board

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The erstwhile Ministry of Environment & Forests, Govt. of India provided a regulatory framework for management of Bio-Medical Waste generated in the country by notifying the Bio-Medical Waste (Management and Handling) Rules, in the year 1998 which was amended time to time. The present Ministry of Environment, Forest & Climate Change, Govt. of India with an objective for proper management of Bio-Medical Waste in the country has notified the Bio-Medical Waste Management Rules, 2016 under the Environment (Protection) Act, 1986 in supersession of the Bio-Medical Waste (Management & Handling) Rules, 1998, in March, 2016.

These rules apply to all persons who generate, collect, receive, store, transport, treat, dispose, or handle Bio-Medical Waste in any form including Hospitals, Nursing Homes, Clinics, Dispensaries, Veterinary Institutions, Pathological Laboratories, Blood Banks, Aayush Hospitals, Clinical Establishments and others.

As per the rules it is the duty of the occupier of Health Care Facilities to take all necessary steps to ensure that the Bio-Medical Waste generated by them is handled without any adverse effect to human health and the environment and in accordance with the said rules. It is to be ensured that the generated Bio-Medical Waste shall be segregated in coloured coded bags and containers as specified in the rules and shall be treated and disposed through 'Common Bio-Medical Waste Treatment Facility' established for the purpose. In no case the Bio-Medical Waste be allowed to mix with the municipal solid waste and be given to the municipal waste collectors. Besides there are other mandatory requirements like obtaining authorization and consent from Pollution Control Board.

For generating awareness among all the stakeholders regarding provisions of these rules, Bihar State Pollution Control Board had organized a State Level Training Programme on 16.09.2016 at Patna which was attended by a large number of Doctors including Govt. health officials. Dr. Brajnandan Kumar, Secretary, IMA, Bihar was nominated to participate in the programme on behalf of the association. The programme was widely covered by the print and electronic media to spread

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programme was widely covered by the print and electronic media to spread message among the masses. Training Progammes on Solid Waste Management including Bio-Medical Waste Management as per the provisions of these new rules were organized at all the divisional headquarters of the State e.g. Muzaffarpur, Darbhanga, Gaya, Purnea, Saharsa, Bhagalpur, Munger and Chapra during December, 2016 to February, 2017. A Training programme was also organized in association with Indian Medical Association, Chapra Branch at Chapra on 10.08.2018. Training and Awareness Workshops were also arranged at Samastipur & Jehanabad on 19.01.2019 and 02.02.2019 respectively. The Member Secretary of the Board also personally called the President & Secretary of IMA, Bihar for discussion and requested them to organize awareness workshops on Bio-Medical Waste Management. Bihar State Pollution Control Board published advertisements and notices in newspapers regarding implementation of various provisions of these rules regularly. The Board also requested the Department of Health to organize training programmes at district level.

As per provisions of the rules the Govt. of Bihar has constituted a State Level Advisory Committee to oversee the implementation of the rules in the State in September, 2016 with President, IMA, Bihar being one of its member. Sri Ajay Kumar, Sr. Vice President of IMA, Bihar was present in the meeting of this committee on 06.07.2017. The State Govt. has also notified a District Level Monitoring Committee under the Chairmanship of District Magistrate to monitor the compliance of the provisions of these rules in the Health Care Facilities generating Bio-Medical Wastes. The Civil Surgeon-cum-Chief Medical Officer of the district is the Member Secretary of this District Level Committee. Local representative of IMA are also members of these committees for respective districts. As per information available with the Board, Presidents/Representatives of local IMAs were present in the DLMC meetings at Samastipur on 29.05.2017, 05.06.2018 and 11.02.2019; Madhubani on 21.02.2018; Sitamarhi on 18.06.2018. The State Health Department through the State Health Society has asked all district level committies to organize Training-cum-Awareness Workshops in their respective districts in coordination with local branch of IMA, which is being organized by them.

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The Board has conducted an inventory of Health Care Facilities generating Bio-Medical Waste in the State and identified a total number of 24520 units including Govt. and Private sector, both bedded and non-bedded. There are four Common Bio-Medical Waste Treatment Plants operational in the State located at Patna, Muzaffarpur, Bhagalpur and Gaya. All the Govt. hospitals upto PHCs are tied-up with the Common Bio-Medical Waste Treatment Facilities of their respective districts. Out of an estimated 3619 private bedded Health Care Facilities only 2385 units are tied-up with the common facilities for proper treatment and disposal of Bio-Medical Wastes generated by them. A large no. of private non-bedded facilities, about 5800 in nos. including pathological units are still not tied-up with the common facilites meaning thereby that the waste generated by them are not being treated properly and disposed of with general waste posing hazards for environment and human health. The district level monitoring committees were directed to oversee the implementation of provisions of these rules in their respective districts and report non-compliance. However, in view of non-compliance by a large no. of Health Care Facilities the Board being the prescribed authority under the rules also took measures on its own for effective implementation of the rules.

The Board inspected more than 300 units covering 22 districts of the State to check the compliance status of these units. Notices were issued to all the non-compliant units and it was clearly stated that legal action may be initiated against them. Individual notices were also issued to more than 8000 units asking them to tie-up with the common treatment facilites for the proper treatment and disposal of the Bio-Medical Waste generated by them and obtain authorization for the same from the Board as required under the rules. The units who neither responded to these notices nor tied-up with common treatment facilities were given Proposed Closure Directions under section 5 of the Environment (Protection) Act, 1986 returnable within 15 days as to why they not be directed to close down for non-compliance of the provisions of the Bio-Medical Waste Management Rules, 2016. It is worth mentioning that the State Level Advisory Committee in its meeting on11.05.2018 had also directed the Board to identify the non-compliant units and take legal action against them.

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As per rule 10 of the said rules every occupier of a Health Care Facility irrespective of the quantity of the Bio-Medical Waste generated by them has to obtain authorization from the State Pollution Control Board. The bedded Health Care Facilities are also required to obtain consents under the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981.

The Bihar State Pollution Control Board was constrained to issue Closure Directions to such 486 units out of 1318 who were issued Proposed Closure Directions for non-compliance, did not show any intent of compliance, not even tied-up with CBWTF and did not even bother to respond to the Proposed Closure Directions issued to them. Under the circumstances it is clear that these units are delibrately not complying with the provisions of the rules creating adverse effect on human health and environment while defying the objectives of the Bio-Medical Waste Management Rules, 2016 in particular and the Environment (Protection) Act, 1986 in general.

As per the facts mentioned above it is evident that the Board has taken all steps to create awareness among all stakeholders regarding provisions of the Bio-Medical Waste Management Rules, 2016 and was forced to take action against the erring Health Care Facilities after giving them enough opportunity to follow. The Board wants to constructively engage with all stakeholders including Indian Medical Association for effective implementation of the Bio-Medical Waste Management Rules, 2016 in the State. So far 31 closure directions have been revoked in favour of the Health Care Facilities who have ensured compliances of the provisions of the rules.

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