

REGULATION AND CONTROL RULES FOR DEPLETION OF OZONE

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ABSTRACT

Ozone depleting substances (Regulation) rules, 2000 were published under the notification of government of India in the ministry of Environment and forests number S.O.69(E), dated the, 25th January, 2000 in the gazette of India, extra ordinary, part-II, Section-3, sub section (ii) at pages 39-96, on the same dates, inviting objections and suggestions of all persons likely to be affected thereby, before the expiry of period of forty-five days from the dates on which copies of the gazette containing the said notification are made available to the public. Now therefore, in exercise of the powers conferred by sections 6, 8 and 25 of the environment act, 1986, the central government hereby makes the following rules for regulating ozone depleting substances.

Key Words: Ozone depletion, direct U.V radiation, Skin cancer, control rules, environment act 1986.

1. INTRODUCTION

Researcher's observed that 4% ozone depletion occurred per decade in the total volume of ozone in the earth's stratosphere and larger decrease in stratospheric ozone over earth's polar region. The formation of polar ozone hole differs from that of mid-latitude thinning but the most important process in both is catalytic destruction of ozone by atomic halogens.^[1] The main source of these halogen atoms in the stratosphere is photodissociation of man-made halocarbon refrigerants, solvents, propellants and foam-blowing agents (CFCs, HCFCs, freons, halons). These compounds are transported into the stratosphere after being emitted at the surface.^[2] the ozone layer prevents most harmful UVB wavelengths (280–315 nm) of ultraviolet light (UV light) from passing through the Earth's atmosphere, observed and projected decreases in ozone have generated worldwide concern leading to adoption of the Montreal Protocol that bans the production of CFCs, halons, and other ozone-depleting chemicals such as carbon tetrachloride and trichloroethane. It is suspected that a variety of biological consequences such as increases in skin cancer, cataracts,^[3] damage to plants, and reduction of plankton populations in the ocean's photic zone may result from the increased UV exposure due to ozone depletion.

Whereas the draft Ozone Depleting Substances (Regulation) Rules, 2000 were published, under the notification of the Government of India in the Ministry of Environment & Forests number S.O.69(E), dated, the 25th January, 2000, in the Gazette of India, Extra-ordinary, Part-II, Section 3, sub-section(ii) at pages 39-96 on the same date, inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of forty-five days from the date on which the copies of the Gazette containing the said notification are made available to the public; and whereas copies of the said Gazette were made available to the public on 26.01.2000.⁴

Now, therefore, in exercise of the powers conferred by sections 6, 8 and 25 of the Environment (Protection) Act, 1986, the Central Government hereby makes the following rules for regulating ozone depleting substances, namely: -

(1) These rules may be called the Ozone Depleting Substances (Regulation and Control) Rules, 2000.

(2) They shall come into force on the date of their publication in the Official Gazette.

In these rules unless the context otherwise requires, -

- (a) "Act" means the Environment (Protection) Act, 1986 (29 of 1986);
- (b) "authority" means an authority mentioned in columns (4) and (6) of Schedule V;
- (c) "base level" means the quantity of ozone depleting substance produced or consumed, as the case may be, in the year or average of the years listed in column (3) of Schedule II and Schedule III;
- (d) "consumption" with respect to any ozone depleting substance means the amount of that substance produced in India in addition to the amount imported, less the amount exported;
- (e) "calculated level of production, sale, import or export", as the case may be, means level determined by multiplying quantity of the ozone depleting substance by its ozone depleting potential specified in column (5) of Schedule I;
- (f) "calculated level of consumption" shall be determined by adding together calculated levels of production and imports and subtracting calculated level of exports;
- (g) "Group" means collection of one or more ozone depleting substances as specified in column (4) of Schedule I;
- (h) "manufacture" in relation to any ozone depleting substance includes- any process or part of a process for making, altering, finishing, packing, labeling, blending or otherwise treating or any ozone depleting substance with a view to sell, distribute or use but does not include the repacking or breaking up of any ozone depleting substance in the ordinary course of retail business; and any process in which a preparation containing ozone depleting substance is formulated ;
- (i) "ozone depleting substance" means the ozone depleting substances specified in column(2) of Schedule I, whether existing by itself or in a mixture, excluding any such substance or mixture (blend) which is in a manufactured product other than a container used for the transportation or storage of such substance;
- (j) "parties" means, unless the text otherwise indicates, parties to the protocol;

- (k) "pre-shipment applications" are those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country;
- (l) "production" in relation to any ozone depleting substance means the manufacture of an ozone depleting substance from any raw material or feedback chemicals, but does not include-
- (i) the manufacture of a substance that is used and entirely consumed (except for trace quantity) in the manufacture of other chemicals; or
 - (ii) quantities which are produced incidentally in the manufacture of other chemical substances; or
 - (iii) quantities which are recycled or reused; or
 - (iv) quantities which are destroyed by technologies to be specified by the Central Government;
- (m) "protocol" means the Montreal Protocol On Substances That Deplete The Ozone Layer, adopted on 16th September 1987;
- (n) "quarantine applications", with respect to Group VIII of Schedule I ozone depleting substance, are treatments to prevent the introduction, establishment and or spread of quarantine pests (including diseases), or to ensure their control as specified by the Central Government;
- (o) "recovery" means collection and storage of ozone depleting substances from machinery, equipment, or containment vessel during servicing or prior to disposal;
- (p) "reclamation" means reprocessing and upgrading of a recovered ozone depleting substance through such methods as filtering, drying, distillation and, or chemical treatment in order to restore the substance to a specified standard of performance.
- (q) "schedule" means a schedule annexed to these rules.

3. REGULATION OF PRODUCTION AND CONSUMPTION OF OZONE DEPLETING SUBSTANCES.-

1. No person shall produce or cause to produce any ozone depleting substance after the date specified in column (5) of Schedule V unless he is registered with the authority specified in column (4) of that Schedule :Provided that for the twelve month period commencing on the date specified in column (6) of Schedule II, and in each twelve month period thereafter, no person shall produce or cause to be produced any group of ozone depleting substances in excess of the corresponding percentage of his calculated base level of production specified in column (4) of that Schedule :Provided further that calculated level of consumption of such substances in India shall, as a percentage of calculated level of consumption in base years does not exceed the number specified in column (5) of Schedule II.
2. No person shall produce or cause to produce ozone depleting substances specified as Group I and Group III in column (4) of Schedule I during the period from 1, August,2000 to 1st January, 2010 in excess of the quantity specified in column (4) of Schedule III and the calculated level of consumption of such substances in India shall as a percentage of calculated level of consumption in base year does not exceed the number specified in column (5) of that Schedule.
3. A person having received financial assistance from the Multilateral Fund in accordance with article 10 and 10 A of the protocol to which the Central Government is a party for gradual reduction of production of ozone depleting substances specified as Group I and Group III in column (4) of Schedule I shall, limit the production of ozone depleting substances as specified in Group I and Group III in column (4) of Schedule I in each year from 1st August, 2000 to January 1, 2010 to quantities specified in column (4) for each year given in column (6) of Schedule III as per the agreement approved, by the Executive Committee of the Multilateral Fund.
4. In order to implement the agreement, referred to in sub-rule (3), the Central Government shall introduce implementation modalities, such as, quota system for producing Chlorofluorocarbons and the non-compliance with such modalities shall result in consequential penalties laid out in the agreement.

4. REFERENCES:

1. "Part III. The Science of the Ozone Hole". Retrieved 2007-03-05.
2. Andino, Jean M. (October 21, 1999). "Chlorofluorocarbons (CFCs) are heavier than air, so how do scientists suppose that these chemicals reach the altitude of the ozone layer to adversely affect it?". *Scientific American*.
3. Dobson, R. (2005). "Ozone depletion will bring big rise in number of cataracts". *BMJ*331(7528):1292–1295. doi:10.1136/bmj.331.7528.1292-d. PMC 1298891
4. As published in Govt. of India Gazette vide S.O. 670 (E), dated 19.07.2000.