
COMPLIANCE MONITORING IN NIGERIA'S INDUSTRIES

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SUMMARY

The industrial pollution problem is highlighted. The structure of inspection and enforcement services, strategies for compliance monitoring, regulations and laws, inspection and environmental auditing and results of the compliance were enumerated.

1 INTRODUCTION

Industrialisation is one of the main indices of global and national development. However, industrialisation has been a mixed blessing to mankind. On the one hand, it enhances the quality of life and on the other hand, poses serious threats to the management of natural systems and security of public health. (1)

In Nigeria, industrial development is pursued with vigour but without adequate care for the environment. Textile plants, breweries, sugar refineries, pulp and paper plants, and petrol-chemical industries have all discharged their raw untreated or inadequately treated liquid effluents and solid wastes into open drains, streams, channels and lagoons. Past efforts of governments including States and local governments have led to a number of environmental laws. Many of the laws date back to colonial period, and include:

- Oil Pipeline Act 1956.
- Public Health Act 1958.
- Oil in Navigable Waters Acts 1963, cap 339.
- Factories Act 1987.
- States edicts on environmental sanitation. (2)

However, none address industrial pollution exhaustively. Coordination and enforcement were almost nil.

2 THE STRUCTURE OF INSPECTION AND ENFORCEMENT SERVICES

2.1 Administrative framework

With the incidence of the Koko toxic waste episode in Nigeria in 1988 which is the climax of this problem, the Federal Government of Nigeria set up Federal Environmental Protection Agency (FEPA) with Decree 58 of 1988 with the overall mandate of protecting Nigeria's environment. The Decree also empowered the Agency to promulgate regulations.

To date the Agency has promulgated or issued a number of regulations including:

- S.1.8 of 1991: National Effluent Limitation Official Gazette Federal Republic of Nigeria No 42, Vol 78, August, 1991.
- S.1.9 of 1991: Pollution Abatement in Industries, industries Generating Wastes Official Gazette, Federal Republic of Nigeria No 42, Vol 78, 20th August, 1991. (4)

- S.1.15 OF 1991: Management of Hazardous and Solid Wastes Official Gazette, Federal Republic of Nigeria, No 102, Vol 78, 31st December, 1991.

3 COMPLIANCE STRATEGIES

3.1 Compliance monitoring

Regulations and laws do not correct misdeeds unless they are enforced and complied with. The Federal Environmental Protection Agency created an Inspectorate and Enforcement Department which is vested with the authority to enforce environmental protection laws, and checking and effecting compliance of industries with these regulations and laws related to industrial pollution.

The Agency also coordinates, and liaise the activities of other sectoral groups such as Federal Ministry of Industries, Health, Petroleum Resources, States and Local Governments on industrial compliance. For its day to day activities the Inspectorate and Enforcement Department is divided into three divisions:

- Standards, Regulations and Registration responsible for setting or reviewing standards, formulating regulations and issuing permits as well as accrediting environmental consultants and contractors.
- Chemical Tracking responsible for chemical notification procedure, hazardous waste traffic control and monitoring of imported chemicals from cradle to grave.
- Compliance Monitoring responsible for checking and effecting compliance of industries with standards and pollution abatement strategies.
- There is a Public Complaints Unit attached directly to the Office of Head of Enforcement for prompt actions in addition to these three divisions.

In 1993, there are about 100 officers responsible for monitoring industrial compliance.

The Agency, which adopts the universally accepted "carrot and stick" policy, evolved procedures for:

- Identifying the highly polluting regulated industries through inspections.
- Establishing management accountability for facilities by stressing the need for environmental audit and regular reports.

There are about three thousand industrial establishments all over the country. According to FEPA's Guidelines and Standards for Environmental Pollution Control in Nigeria (3), the major categories of industries in Nigeria are:

- Metal and Mining.
- Food, Beverages and Tobacco.
- Breweries, Distilleries and Blending of Spirits.
- Textiles.
- Tannery.
- Pulp, Paper and Paper Products.
- Chemicals and Allied Industries.
- Wood and Wood Products.
- Leather Products.
- Cement and Paints Products.
- Petro-chemical and Plastics Products.
- Others.

Federal Environmental Protection Agency (FEPA) monitors compliance by means of reports submitted on the industrial facilities through:

- Inspections.
- Environmental auditing.
- Source testing.

To ensure compliance, the major industries are divided amongst the officers. In order to get the best possible effect from our limited inspection capacity, the industries are divided into 12 major categories and each sector is treated on its own merit. The compliance program is based on an integrated multi-media approach.

3.2 Self monitoring

Industries are encouraged to do self monitoring. This is done by way of an In-House Training Program of the Inspectorate and Enforcement Department which enlightens operators of facilities on the basic requirements.

The self monitoring procedures of FEPA stipulate that:

- An industry or a facility shall:
 - Have a pollution monitoring unit within its premises.
 - Have onsite pollution control.
 - Assign the responsibility for pollution control to a person or corporate body accredited by the Agency.
- A discharge, including solid, gaseous and liquid waste from any industry or facility shall be analysed and reported to the nearest office of the Agency every month, through a Discharge Monitoring Report.
- An unusual discharge or accidental discharge of waste from any industry or facility shall be reported to the nearest office of the Agency not later than 24 hours of the discharge.
- An industry or facility shall submit to the nearest office of the Agency a list of the chemicals used in the manufacture of its products:
 - Details of stored chemicals and storage conditions.
 - Where chemicals are bought, sold and obtained, the name of the secondary buyers.
 - An industry or facility shall have a contingency plan approved by the Agency against accidental release of pollutants.
 - An industry or a facility shall set up a machinery for combating pollution hazard and maintain equipment in the event of an emergency.

In meeting these self monitoring requirements, the States and Zonal Offices of the Agency serve as pollution response centres for coordinating pollution response activities.

In addition, to the above requirements, industries are required to obtain the following permits:

- The Industrial Waste Discharge Permit.
- The Municipal/Industrial Waste Disposal Permit.
- Locally Generated Hazardous/Toxic Waste Disposal Permit.
- Locally Generated Waste Storage/Treatment Permit.
- Permit to Operate Landfill Site.

3.3 Inspections

The inspection procedure of the Agency employs strategies that prevent fake inspectors into the industrial facilities. The procedure stipulates that no entry should be granted to any officer without the 'Authorisation to inspect paper' which indicates the name and location of the facility to be inspected, the leader of the inspection team and date of inspection etc. The authorisation must be duly signed by the Head of Enforcement Department. The manager of the facility is to collect and retain a copy of the authorisation after confirming the identity of the Head of Inspection team. At the end of the inspection the Manager of the facility is to write an evaluation report on the inspection exercise and forward it to the Head of Enforcement or Director-General of the Agency who in turn will write to confirm if the inspection has indeed been authorised.

About 60 percent of the inspections are unannounced and usually last for few hours per day for walk-through inspections.

The inspections employ physical determinations as well as questionnaire and the objectives are:

- To ensure high quality self-monitoring schedules.
- To check whether the facility is meeting the compliance schedules drawn up for it by FEPA.
- To record evidence of non-compliance.

The inspections also seek to answer the following questions:

- Does the facility have any valid discharge permit?
- Was any Environmental Impact Assessment carried out before the take off of the facility?
- Are the records of self-monitoring data properly prepared and kept by the environmental unit of the facility?
- Has the required pollution monitoring or control equipment been installed and properly operated?
- How well are the emergency/contingency programs being polluted?
- Are there any signs of wilful violation of FEPA's regulations?

At the end of an inspection exercise and following the review, a copy of the report is sent to the visited facility in order to ensure future correction of mistakes.

Over the last two years, total annual inspections are a little over 300.

3.4 Environmental auditing and source testing

Prior to 1991 in Nigeria, industries were established without any environmental impact assessment (EIA) report. The implication is obvious with the commencement of enforcement activities in 1991, FEPA had to make it compulsory for all existing industries to carry out comprehensive environmental audit of plants to the Agency.

The audits are carried out by FEPA's accredited consultants. The auditing gives the clear picture whether the facility is in compliance and finds reason for non-compliance.

The auditing also brings out the mis-management of resources like raw material, mishandling of chemicals and careless house-keeping practice.

The case of certain highly polluting facilities and especially those facilities generating public criticism, a combined team of FEPA Inspectorate and Enforcement and Quality monitoring officers carry out audit of such facilities. In such cases, the exercise depending on the nature of the problem.

Between 1991 and 1993, a total of 104 audit were carried out.

4 RESULTS

In about 1000 inspections carried out since over 3 years only 18 per cent compliance has been achieved. But there has been a remarkable improvement with each succeeding year. The improve-ment in compliance has been due to the following:

- Encouraging the citizen participation in identification of violations and easy reporting procedure to the public compliant unit of the Inspectorate.
- Enforcement of corporate co-audits (detailing environmental impacts of products, production processes and materials, handled in line with FEPA regulations as a tool to allow workers and communities to confront environmental job backmail.
- FEPA's campaign on moving economy towards better process and less-polluting technology.
- Requests of the FEPA to the industries to match their efforts on bending backwards on moratorium with commitments to make some sacrifice in ploughing back their profits into meeting compliance.

5 CONCLUSION

From scratch the Federal Environmental Protection Agency has been able to build a satisfactory compliance monitoring procedure by mobilizing internal/resources. The agency has succeeded in sensitizing industries on the need for compliance.

The strategies of citizen participation in reporting violations and FEPA industry dialogues have been catalysts for the level of success achieved by inspections. But a great deal needs to be done for industries to achieve full compliance in Nigeria.

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