

A BILL

FOR

AN ACT TO AMEND THE NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS ENFORCEMENT AGENCY (ESTABLISHMENT) ACT, 2007 TO PROVIDE FOR THE PREVENTION AND CONTROL OF ATMOSPHERIC AIR POLLUTION AND FOR RELATED MATTERS, 2024

Sponsored by Hon. Paul Ekpo Asuquo

[] Commencement

BE IT ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

1 **1.** The National Environmental Standards and Regulations
 2 Enforcement Agency (Establishment) Act 2007 (herein referred to as the
 3 "Principal Act") is amended as set out hereunder.

Amendment of the Principal Act

4 **2.** Section 1 of the Principal Act is amended by inserting the
 5 subsection 1 (3) Objectives of the Act. "This Act is enacted for the purpose of
 6 preventing and controlling environmental pollution, protecting, improving
 7 and preserving the nation's aesthetic, physical environment and ecological
 8 environment, safeguarding human health, and promoting the sustainable
 9 development of the Federal Republic of Nigeria."

Amendment of Section 1

10 **3.** Section 2 of the Principal Act is amended by inserting "The
 11 objective of this Act shall be to ensure that the Agency is strategically
 12 positioned to protect all the natural resources of the Federal Republic of
 13 Nigeria to the degree necessary for the:

Amendment of Section 2

- 14 (i) Protection of public Health, safety and well being of all citizens;
- 15 (ii) Prevention of injury to plant and animal life and to property;
- 16 (iii) Protection of the comfort and convenience of the public and
- 17 the protection of recreational resources of the Federal Republic of Nigeria;
- 18 (iv) Development, attraction and expansion of industry, commerce
- 19 and agriculture; and

1 (v) To provide research and technical assistance to enable the control
2 of air pollution at its sources.

Amendment of
Section 3 (1)(c)

3 **4.** Section 3 sub section 1 (c) of the Principal Act IS amended by (1)
4 inserting a representative not below the rank of Director from the-

5 (i) Federal Ministry of Solid Minerals Development,

6 (ii) Federal Ministry of Agriculture and Natural Resources,

7 (iii) Federal Ministry of Water Resources,

8 (iv) Federal Ministry of Science and Technology,

9 (v) a representative of the Standards Organisation of Nigeria,

10 (vi) a representative of the Manufacturers' Association of Nigeria;

11 (vii) a representative of the Oil Exploratory and Production
12 Companies in Nigeria;

13 (viii) Federal Ministry of Women Affairs;

14 (ix) Federal Ministry of Health;

15 Clause 3 subsection 1 (c) (vii) in the Principal Act is hereby deleted
16 and the section renumbered accordingly.

Amendment of
Section 7 (c)

17 **5.** Section 7 sub section (c) of the Principal Act is amended by deleting
18 "oil and gas".

Amendment of
Section 8

19 **6.** Section 8 of the Principal Act is amended by inserting "The
20 governments at various levels must incorporate the protection of the
21 atmospheric environment into their economic and social development plans,
22 make rational plans for the distribution of industrial layout, strengthen the
23 scientific research on the prevention and control of atmospheric pollution,
24 adopt preventive and curative measures against pollution, and protect and
25 improve the atmospheric environment."

Amendment of
Section 9

26 **7.** Section 9 of the Principal Act is hereby amended by inserting
27 subsection (f) "The Minister of Environment shall:

28 (i) Advise the Federal Government on any matter concerning the
29 improvement of the quality of air and the prevention, control or abatement of
30 air pollution;

1 (ii) Take measures to control or gradually reduce, in a planned
2 manner the total amount of the main atmospheric pollutants discharged in
3 local areas. The State governments and the local governments are at various
4 levels shall be responsible for the quality of the atmospheric environment
5 under their jurisdictions, making plans and taking measures to make the
6 quality of the atmospheric environment under their own jurisdiction meet
7 the prescribed standard;

8 (iii) Plan and cause to be execute a nation-wide programme
9 regarding the prevention, control or abatement of air pollution;

10 (iv) Cooperate with the Federal Road Safety Commission (FRSC)
11 to ensure that vehicles do not contribute to air pollution through their
12 exhaust fumes.

13 **8.** Part III-Section 10 (l) of the Principal Act is hereby amended by
14 inserting "The National Environmental Standards and Regulations
15 Enforcement Agency shall be the instrument conducting unified supervision
16 and management of the prevention and control of atmospheric pollution.
17 The Agency shall, by performing their respective functions, conduct
18 supervision and management of the atmospheric pollution caused by motor
19 driven vehicles and vessels. The relevant administrative departments of the
20 various governments at or above the local government level shall, within
21 their respective functions, supervise and administer the prevention and
22 control of atmospheric pollution."

Amendment of
Part III of the
Principal Act

23 **9.** Part IV Section 11 subsection 1 (c) of the Principal Act is hereby
24 amended by deleting "a minimum of 15 years postgraduate experience" and
25 inserting "at least 12 years postgraduate experience". Section 11 subsection
26 (d) of the Principal Act is amended by substituting the figure "4" with "5".

Amendment of
Part IV of the
Principal Act

27 **10.** Section 11 subsection 5 of the Principal Act is amended by
28 deleting "the government" and replacing the phrase with "The National
29 Salaries and Wages Commission".

Amendment of
Section 11 (5)

Amendment of Section 16 1 **11.** Section 16 of the Principal Act is amended by deleting "the
2 President" and inserting:
3 "The National Assembly" through the Minister, not later than 30th September
4 each year, its programme of work and estimates of its income and expenditure
5 for the following year.

Amendment of Section 20 (2) 6 **12.** Section 20 (2) of the Principal Act is amended by inserting" All
7 corporate bodies and private individuals shall have the obligation to protect the
8 atmospheric environment and shall have the right to report on or file charges
9 against bodies or individuals that cause pollution to the atmospheric
10 environmental."

Amendment of Section 21 (1) 11 **13.** Section 21 (1) of the Principal Act is amended by inserting "The
12 State adopts economic and technological policies and measures to facilitate the
13 prevention and control of atmospheric pollution and comprehensive
14 utilization. The governments at various levels shall reward body corporate or
15 individuals that have made outstanding achievements in the prevention and
16 control of atmospheric pollution or in the improvement of the atmospheric
17 environment."

Amendment of Section 21 (2) 18 **14.** Section 21 (2) of the Principal Act is amended by inserting "The
19 Agency encourages and supports the scientific and technological research into
20 the prevention and control of atmospheric pollution, disseminates advanced,
21 feasible technologies for the prevention and control of atmospheric pollution,
22 encourages and supports the development and utilization of clean energies
23 such as solar energy, wind energy and water energy. The Agency shall
24 encourage and supports the development of environmental protection
25 industries." "

Amendment of Section 37 26 **15.** Section 37. In this Act is amended by inserting: Definitions: - The
27 following words and phrases when used in this Act, unless the context clearly
28 indicates otherwise, shall have the meaning ascribed to them in this section:
29 "Agency" means the National Environmental Standards and Regulations
30 Enforcement Agency established under section 1 of this Act;

1 "Appropriate authorities" means any government agency which has
2 jurisdiction over the land or water affected by the pollution or any
3 government agency which ordinarily has jurisdiction or any government
4 over the operation which led to the pollution;

5 "Authorised authorities or officer" means any employee of the Agency any
6 Police officer not below the rank of Inspector of Police or any custom
7 officer;

8 "Chairman" means the Chairman of the Agency appointed under section 3
9 (1);

10 "Constitution" means the Constitution of the Federal Republic of Nigeria,
11 1999 (as amended);

12 "Court" means the Federal or State High Court;

13 "Council" means the Council of the Agency established under section 3 of
14 this Act;

15 "Director-General" means the Director-General of the National
16 Environmental Standards and Regulations Enforcement Agency;

17 "Disposal includes both land based disposal and dumping in waters and air
18 space of Nigeria;

19 "Effluent limitation" means any restriction established by the Agency of
20 quantities, rates and concentration of chemical, physical, biological or other
21 constituents which are discharged from point sources into the waters in
22 Nigeria;

23 "Environment" includes water, air, land and all plants and human beings or
24 animals living therein and the inter-relationships which exist among these or
25 any of them;

26 "Hazardous substances" means any chemical, physical or biological
27 radioactive materials that pose a threat to human health and the environment
28 or any such substance regulated under international conventions to which
29 Nigeria is a party or signatory e.g. Montreal Protocol, Rotterdam
30 Convention, Stockholm Convention etc. and includes any substance

1 designated as such by the President of the Federal Republic of Nigeria by order
2 published in the Federal Gazette;

3 He means male or female gender;

4 "Member" means a member of the Council and includes the Chairman;

5 "Minister" means the Minister charged with the responsibility of the
6 environment;

7 "New source" means any source, the construction of which is commenced after
8 the publication of any regulations prescribing a standard to such source;

9 "Officer" means qualified persons employed to act in that capacity by the
10 Agency;

11 "Offshore facility" means any facility (including but not limited to motor
12 vehicles and rolling stock) of any kind located over, in, or under any land within
13 Nigeria other than submerged land;

14 "Owner or -Operator" means, in the case of-

15 (a) vessel, any person owning, operating or chartering by demise such
16 vessel;

17 (b) an onshore facility or an offshore facility, any person owning or
18 operating such onshore facility or offshore facility; and

19 (c) any abandoned offshore facility, the person who owned or
20 operated such facility immediately prior to such abandonment;

21 "Point source" means any discernible, confined and discrete conveyance,
22 including but not limited to any pipe, ditch, channel, tunnel, conduct, well,
23 discrete, fissure, container, rolling stock, concentrated animal feeding
24 operation or vessel or other floating craft from which pollutants are or may be
25 discharged;

26 "President" means the President of the Federal Republic of Nigeria;

27 "Pollution" means man-made or man-aided alteration or chemical, physical, or
28 biological quality of the environment beyond acceptable limits and pollutants
29 shall be construed accordingly;

30 "Removal" means removal of hazardous substances from the environment of

1 Nigeria or the taking of such action as may be necessary to minimize or
2 mitigate damage to the public health or welfare, ecology and natural
3 resources of Nigeria;

4 "Stratosphere" means the part of the atmosphere above the troposphere;

5 "Water of Nigeria" means all water resources in any form including
6 atmospheric, surface and sub-surface, and underground water resources
7 where the water resources are interstate, or in the Federal Capital Territory,
8 Territorial Waters, Exclusive Economic Zone or in any other area under the
9 jurisdiction of the Federal Government of Nigeria.

10 **16.** Section 38 is hereby amended by inserting "This Bill may be
11 cited as the National Environmental Standards and Regulations Agency
12 (Establishment) (Amendment) Bill, 2023.

Amendment of
Section 38

13 **17.** This Bill may be cited as the National Environmental Standards
14 and Regulations Agency (Establishment) (Amendment) Bill, 2024.

Citation

EXPLANATORY MEMORANDUM

This Bill seeks to establish National Environmental Standards and Regulations Enforcement Agency for the effective enforcement of standards, Regulations and all national and international agreements, treaties, conventions and protocols on environment to which Nigeria is a signatory. The Act is hereby amended with provision to make the Agency more effective for the prevention and control of atmospheric air pollution.