

# AN ACT ADOPTING THE ENVIRONMENT PROTECTION AND MANAGEMENT LAW OF THE REPUBLIC OF LIBERIA

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## **ENVIRONMENT PROTECTION AND MANAGEMENT LAW OF LIBERIA**

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## **Section 1 Title**

### **Environment Protection and Management Law of the Republic of Liberia**

**An Act to establish a legal framework for the sustainable development, management and protection of the environment by the Environment Protection Agency in partnership with regulated Ministries and organizations and in a close and responsive relationship with the people of Liberia; and to provide high quality information and advice on the state of the environment and for matters connected therewith.**

WHEREAS Article 9 of Chapter II of the 1986 Constitution of Liberia also encourages bilateral and regional co-operation and Liberia is party of treaty law and is a member of international and regional organizations for the attainment of the global protection of the environment and the promotion of sustainable use of natural resources;

AND WHEREAS it is acknowledged that Liberia's biodiversity plays a crucial role in maintaining global ecological cycles;

AND WHEREAS it is desirable to provide a legal framework for the protection and management of Liberia's environment, its cooperation with other countries and membership in relevant international organizations;

AND WHEREAS the environment serves the national, economic, social, cultural, spiritual, and aesthetic needs of Liberia and its people;

AND WHEREAS Liberia's natural resources are a gift of nature for the welfare of both present and future generations;

AND WHEREAS the rights of local communities over their biological resources, knowledge and technologies are of a collective nature, and therefore, are a priori rights which take precedence over rights based on individual interests;

AND WHEREAS it is recognized that urgent measures of sustainable environmental management should be taken without delay, in a proper case, and prolonged investigations that may entail time lapses leading to permanent loss or destruction;

NOW THEREFORE be it enacted by the Senate and House of Representatives of the Republic of Liberia, in Legislature Assembled:

## **APART I – SHORT TITLE AND DEFINITION OF TERMS**

### **Section 2**

#### **Short Title**

**This Law may be cited as the Environment Protection Law.**

### **Section 3**

#### **Definition of Terms**

“Agency” means the Environmental Protection Agency established under the Agency Act of Liberia.

"Agency Act" means the Environment Protection Agency Act of Liberia.

“Aggrieved Parties” means any person who is affected by an act or decision and includes both injuriously affected parties and interested parties.

"Air Quality" means the maximum concentration of a human produced pollutant permitted in the atmosphere as prescribed under this Law.

"Ambient Air Quality" means the average atmospheric purity as distinguished from discharge measurements taken at the source of pollution, but does not include the air within an enclosed structure or within an underground space.

"Analysis" means an examination or study of a matter, substance or process for the purpose of determining its composition, qualities or its physical, chemical or biological effect on a segment of the environment and includes an examination of emissions or recordings of noise or sub-sonic vibrations to determine the level of the matter or any other characteristics of the mater, noise or sub-sonic vibration or its effect on a segment of the environment.

"Analyst" means a person designated under section (98) of this Law.

“Appointed member” means a member of the Council and Board of Directors appointed by the President of the Republic of Liberia;

“Beneficial Use” means a use of the environment in a sustainable manner or an element or segment of the environment in a sustainable manner.

“Biological Diversity" means the variability among living organisms from all sources including into alia terrestrial ecosystems and aquatic ecosystems and the ecological habitants of which they are part and includes genetic diversity within species, between species and ecosystems.

“Biological Resources" include genetic resources, organisms or parts thereof, populations, or any other biotic component or ecosystems with actual or potential use or value for humanity.

"Chemical" means a chemical substance in any form whether by itself or in a mixture or preparation, whether manufactured or derived from nature and for the purposes or this Law includes industrial chemicals, pesticides, fertilizers and drugs.

"Citizen Suit" means an action bought by a person in his/her own right to protect the environment in accordance with section (32) or the Agency Act and section (5) or this Law.

"Coastal Zone" means any area declared to be a coastal zone under section (83) or the Law.

"Contiguous Zone" means the zone contiguous to the exclusive economic zone established under the Maritime Zones Law.

"County Environmental Committee" means the Coordinating Committee established under section (24) of the Agency Act.

"County Environmental Action Plan" means the plan established under section (30) of the Agency Act.

"Developer" means the proponent of a development project or activity that is subject to an environment impact assessment process.

"Ecosystem" means a dynamic complex of plant, animal, microorganism communities and their non-living environment interacting as a functional unit.

"Effluent" means waste liquid or any other fluid from domestic, agricultural, trade or industrial sites, treated or untreated and discharged directly or indirectly into the environment or segment of the environment.

"Element" means any of the principal constituent parts of the environment including water, atmosphere, soil vegetation, climate, sound, odor, aesthetics, fish and wildlife.

"Environment" means the physical factors of the surroundings of the human beings, indoors and outdoors, including land, water, atmosphere, climate, sound, odor, taste, biological factors of animals and plants and the social factors of aesthetics and includes both natural, built and cultural/historical environment;

"Environmental audit" means the systematic, documented, periodic and objectives evaluation of how ell environmental organization, management and equipment are performing in utilizing and conserving the environment and its resources;

"Environment Court of Appeals" means the appellate court established on under section (33) of the Agency Act to hear appeals from the decisions of the Environmental Court and from which decisions may be appealed to the Supreme Court of Liberia.

"Environmental Court" means the Environmental Administrative Court established under section (32) of the Agency Act.

"Environmental education" includes the process of recognizing values and clarifying concepts in order to develop skills and attitudes necessary to understand and appreciate the inter-relatedness among man, his culture and his biophysical surroundings;

"Environmental Impact Assessment" means a systematic examination of a project or activity that may have adverse impact on the environment;

"Environmental Impact Study" means the study conducted to determine the possible environmental impacts of a proposed project and measures to mitigate their effects.

"Environmental inspector" means a person designated under section (20) of the Agency Act and section (96) of this Law.

"Environmental management" includes the protection, conservation and sustainable use of the various elements or components of the environment, and to direct activities of persons for sustainability;

"Environmental monitoring" means the continuous determination of actual and potential effects of any project, activity or phenomenon on the environment whether short term or long term;

"Environmental planning" means both long-term and short-term planning that takes into account environmental issues;

"Environmental resources" means both the renewable or non-renewable resources of the air, land and water including the living resources of flora and fauna and their aesthetical qualities;

"Environmental restoration order" means an order provided for under this Law;

"Environmental Friendly" means any phenomenon or activity that does not cause appreciable harms or degradation to the environment.

"Exclusive economic zone" shall mean the exclusive economic zone established and delimited under the Maritime Zones Act of Liberia.

"Executive Director" means the head of the Agency established under section (16) of this Agency Act:

"Ex-situ Conservation" means conservation outside the natural ecosystem and habitat of the biological organism.

"FONSI" means a finding of no significant impact.

"Forests" means the natural resources defined in the National Forestry Law of Liberia;

"Genetic resources" means genetic material of actual or potential value;

"Good environmental Practice" means practice that is in accordance with the provisions of this Law or any other relevant law.

"Greenhouse gases" mean heat-trapping gases, such as carbon dioxide, methane, Chlorofluorocarbons (CFCs) which escape into the environment and destroy the ozone layer that protects us from harmful ultraviolet rays of the sun.

"Handling" includes production, transportation, use, storage and discharge of toxic hazardous chemicals.

"Hazardous substance" means a chemical, waste, gas, liquid, odor, heat pharmaceutical, plant, animal which, because of their concentration or physical, chemical or biological characteristics is harmful to human health and the environment and includes narcotics and drugs and substances that are toxic, corrosive, irritating radioactive, biologically infectious, explosive or flammable.

"Hazardous waste" means waste that is poisonous, corrosive, noxious, explosive, inflammable, radioactive, toxic or harmful to the environment.

"in-situ conservation" means conservation within the natural ecosystem and habitat of the biological organism.

"intergenerational equity" means that the present generation should ensure that in exercising its right to beneficial use of the environment the health diversity and productivity of the environment is maintained or enhanced for the benefit of future generations.

"Line Ministry" means a Ministry, Agency, Department, statutory corporation or authority in which any law vests or functions for the protection, conservation or management of any segment of the environment or whose activities may have an impact on the environment as defined in this Law;

"Mangrove" means the flora species of the coastal zone.

"Mitigation" means measures to minimize or reduce adverse effects to the environment and/or to avoid aggravating damages or adverse effects inflicted on the environment.

"Mixture containing oil" means a mixture of substances or liquids with such oil content as may be specified under this Law or, if such oil content is not specified, a mixture with an oil content of one hundred parts or more in one million parts of the mixture.

"National Environmental Action Plan" means the plan provided for under section (29) of this Agency Act.

"Natural resources" include resources of the air, land water, animals and plants including their diversity and aesthetic qualities;

"Noise" means any sound that is likely to be injurious to human health or the environment;

"Occupational air quality" means the concentration prescribed under or pursuant to this Law of a substance or energy in the atmosphere with a structure or under-ground space in which human activities take place.

"Occupational health" means the prescribed health standards specified in the Health Act in relation to different parts of which are occupied by different persons.

"Occupier" means a person in occupation or control of premises, and in relation to premises different parts of which are occupied by different persons, means the respective persons in occupation or control of each part.

"Oil" includes:

- a) Crude oil, refined oil, diesel oil, fuel oil and lubricating oil, and
- b) Any other description of oil which may be prescribed.

"owner" in relation to any premises means:

- a) The registered proprietor of the premises;
- b) The lessee, including a sub-lessee of the premises.

"Ozone layer" means the ozone layer defined in the Vienna Convention for the Protection of the Ozone Layer 1985 the layer of atmospheric ozone above the planetary layer.

"Person" means any individual, partnership, joint venture, association, or cooperation, trust, estate, government or state, branch, division, instrumentality, authority or agency or any organized group of persons whether incorporated or not.

"pollutant" means a substance whether liquid, solid, or gaseous which directly or indirectly alters the quality of a segment or element of the receiving environment or is hazardous or potentially hazardous to human health or the environment and includes objectionable odors, radio-activity, noise, temperature change or other physical, chemical or biological change to any segment or element of the environment.

"Polluter-pays principle" means generally that environmental management tools such as licensing and enforcement are fashioned such that the economic cost of pollution is passed on to the polluter and that the cost of cleaning up a segment of the environment damaged by pollution, compensating victims of pollution, cost of beneficial uses lost as a result of an act of pollution and other costs that are connected or incidental to the foregoing, is to be paid or borne by the person convicted of pollution under this Act or any other applicable law.

"Pollution" means an indirect or direct alteration of the physical, thermal, chemical, biological or radio-active properties of a segment of the environment by discharging, emitting or depositing substances or wastes so as –

- a) To affect any beneficial use adversely;
- b) To cause a condition which is hazardous or potentially hazardous to public health, safety, welfare or, to animals, birds, wildlife, fish or aquatic life or to plants.

"Practicable" means reasonably practical having regard, among other things, to local conditions and knowledge and the term "practicable means" include the provision and the efficient maintenance of plants and the proper use thereof, and the supervision by or on behalf of the occupier of any process or operation;

“Precautionary principle” means that where there are threats of damage to the environment, whether serious or irreversible, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

“Premises” include messages, buildings, lands, and hereditaments in every tenure and machinery, plant or vehicle used in connection with any trade carried on at any premises;

“The President” means the President of the Republic of Liberia;

“Project” includes both project and policy that leads to projects, which have or are likely to have an impact on the environment;

"Project Brief" means a preliminary statement on the basis of which a determination is made as to the potential environmental impact of the project or activity.

"project Report" means a summary statement of the likely environmental effects of a proposed development referred to in section.

“Proponent” means a person proposing or executing a project, policy, program or an undertaking specified in the Annex I of this Law.

"proprietary information" means information relating to any manufacturing process, trade secret, trade mark, copyright, patent or formula protected by law in or by any international treaty to which Liberia is a party, but does not include information on effluents and emissions.

“Public participation” means, in keeping with the peoples’ right to know the potential impacts of decisions being made, the information relating to the right of any person to receive effective notice with relevant information and to review and comment on major decisions with such comments being taken into consideration at the decision making stage; and involves open, ongoing two-way communication, both formal and informal between decision makers and stakeholders – those interested in or affected by the decisions.

“Public record” means a record, memorial of some act or transaction, written evidence of something done, or document, considered as either concerning or interesting to the public, affording notice or information to the public or open to public inspection; any documentation prepared, owned, used or retained by any ministry or agency in pursuance of law or in connection with the transaction of public business;

“Published notice” means notice that shall be placed in at least one daily newspaper of major national circulation, and/or one newspaper having a district circulation, and shall be broadcast on a popular local station in English and at least one vernacular language relevant to the venue; and shall be disseminated as widely as is practicable by Environmental County officers through the county and district environmental committees, NGOs and CBOs.

"Radiation" includes ionizing radiation and any other radiation likely to have adverse effects on human health and the environment.

"Regulations" means rules and regulations made under this Law.

"scoping" means an early and open process for determining the scope of the issues to be addressed and for identifying the significant issues related to the proposed activity.

"segment" in relation to the environment means any portion or portions of the environment expressed in terms of volume, space, areas, quantity, quality or time or any combination thereof.

"ship" includes every description of vessel or craft or floating structure.

"soil" means an upper layer of earth and includes sand, rock, shells, minerals, vegetation and soil flora, and fauna in the soil and derivatives such as dust.

"Standard" means the limits of pollution established under this Act or under the regulations made under this Act or any other law;

"Sustainable development" means development that meets the needs of the present generation without compromising the ability of future generations to meet their needs by maintaining the carrying capacity of the supporting ecosystems;

"Sustainable use" means present use of the environment or natural resources which does not compromise or impose on the ability to use the same by future generations or degraded the carrying capacity of supporting ecosystems;

"Territorial water" means territorial waters of Liberia's coastline.

Trade" means any trade, business or undertaking whether originally carried on at fixed premises or at varying places which may result in the discharge of substances and energy and includes any activity prescribed to be a trade, business or undertaking for the purposes of this Law.

"Waste" means any substance that may be prescribed as waste or any matter, whether liquid, solid, gaseous, or radioactive, which is discharged, emitted or deposited in the environment;

"Water" means drinking water, water used for domestic and industrial purposes and for animals, plants, and includes sea, river, stream, water-course, reservoir, well dam, canal, channel, lake, swamp, open drain or underground water; and;

"Wetland" means an area permanently or seasonally flooded or saturated by water where plants and animals have become adapted.

"Wise use" means sustainable use of natural resources.

## PART II - GENERAL PRINCIPLES AND OBJECTIVES

### Section 4

#### Principles of Environmental Management and Objectives

- 1) This Law in its administration shall be guided by:
  - a) The principle of sustainable development;
  - b) The pre-cautionary principle
  - c) The polluter - pays principle
  - d) The principle of inter-generational equity
  - e) The principle of public participation
  - f) The principle of international co-operation in the management of environmental resources shared by two or more states; and
  - g) Other principles of natural resources and environmental management.
- 2) This Law shall be so administered so as to:
  - a) Ensure the sustainable or wise use of the natural resources in pursuance of social and economic development within undermining the ecosystem's renewal and re-supply process;
  - b) Use and conserve the environment and natural resources of Liberia equitably both for the present and future generations, taking into account the rate of population growth and productivity of available resources, and in order to bequeath of future generations a natural resource patrimony that is in as good a condition as is feasible.
  - c) Facilitate the restoration, protection, and the conservation of biological diversity for the function of the biosphere and the maintenance of the ecological system and processes;
  - d) Ensure implementation of the biodiversity conservation principles and measures declared by treaty law to which Liberia is a party faithfully, through the institutional arrangements as shall be established under this Law;
  - e) Ensure respect, preservation, promotion and proper management of the historic, cultural, spiritual and future generations;
  - f) Ensure the environmental education and awareness is treated as an integral part of national programmes at all levels;
  - g) Encourage and ensure maximum participation by the people of Liberia in the management and decision making processes of the environment and natural resources;
  - h) Ensure access to environmental information and promote disclosure for the ultimate benefit of the environment;
  - i) Develop a policy framework that encourages sustainable patterns by use of appropriate technology, efficient production processes, minimal generation of waste and reduction of wasteful consumption;
  - j) Require prior environmental assessments of proposed projects which may significantly affect the environment or use of natural resources;
  - k) Establish adequate environmental protection standards and to monitor any changes in environmental quality;
  - l) Ensure the true and total costs of environmental pollution are borne by the polluter;

- m) Reclaim lost ecosystems and where possible reverse the degradation of natural resources; and
- n) Provide for a legal framework for Liberia's international cooperation with other states as well as relevant international organizations in environmental protection and the sustainable utilization of natural resources.

## **Section 5**

### **Protecting the Right to a Clean and Healthy Environment**

- 1) Any person assert their right to a clean and healthy environment in fulfillment of section (34) of the agency Act by:
  - a) Petitioning the Agency to take action;
  - b) Bringing action before the Environmental Court established under section (32) of the Agency act.
- 2) An aggrieved person shall submit a petition for redress on a prescribed form and in a manner prescribed by the Agency detailing the issues to be resolved and attaching any supporting documents available to the person and the Agency shall respond within 21 days upon receipt of the petition.
- 3) If the agency does not respond within 21 days, and/or if the Agency action does not give redress, the aggrieved person may appeals to the Environmental Court in accordance with section (36) of the Agency Act;
- 4) Notwithstanding sub-sections (2) and (3), any person may, commence a citizen suit in the Environmental Court on his/her own behalf to accomplish the conditions set forth in section (32) of the Agency Act;
- 5) Without prejudice to the generality of sub-section (4), no person may commence a citizen suit under sub-section (4);
  - a) Prior to sixty days after a written notice of the violation, in the form prescribed by the agency, has been sent to the Agency and the Line Ministry/Agency, and to any alleged violator of any such provision or regulation;
  - b) If the Agency in collaboration with the Line Ministries/Agency establishes that the violator is taking timely corrective measures to redress the violation in compliance with he Law;
  - c) If the Agency has commenced action to impose penalty pursuant to the violation;
  - d) If the Agency is pursuing criminal charges in Circuit Court to redress the violation;
  - e) Except that such action may be brought immediately after such notification in case of an action under this section respecting an emergency posing significant threat to the environment and human health; as such emergency is established by the Agency in collaboration with the Line Ministries/Agency.
- 6) The Agency may, through the Ministry of Justice, bring criminal charges in Judicial Circuit Court against violators of this Law;
- 7) The Circuit Court and the Environment Court, in issuing any final order in any citizen action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any party, whenever the Court determines such award is appropriate;

- 8) The injunctive relief provided by the Court shall not restrict any right which any person (or class of persons) may have under any laws of Liberia to seek enforcement of any standard or limitation or to seek any other relief (including relief against the Agency or a State agency);
- 9) An aggrieved person or citizen, if not satisfied with an Environment Court's decision, may appeal to the Environmental Court established under section (34) of the Agency Act from which decisions may be appealed to Supreme Court of Liberia.

### **PART III - ENVIRONMENTAL IMPACT ASESMENT, AUDIT AND MONITORING**

The measures under Part III are in compliance with the requirements established under section (37) of the Agency Act and provides a mechanism for balancing development and environment concerns:

#### **Section 6**

##### **Application for an Environmental Impact Assessment License**

- 1) An environment impact assessment license or permit shall be required prior to the commencement of all projects and activities specified in the Annex I to this Law;
- 2) The developer, or project proponent shall submit an application for an environmental impact assessment license, on a prescribed form addressed to the County Environmental Officer of the Agency in conformity with Section 36 of the Agency Act.

#### **Section 7**

##### **Notice of Intent**

- 1) Following the submission of an application for an environmental impact assessment permit, the applicant shall publish a notice of intent, which shall state in a concise or prescribed manner information that may be necessary to allow a stakeholder or interested party to identify its interest in the proposed project or activity including.
  - a) The nature of the project;
  - b) County, district, and community where the project or activity is to be carried out, or is likely to have a significant environmental impact;
  - c) The activities that shall be undertaken;
  - d) The proposed timeframe for the project or activity;
  - e) Notice that copy of the application is available for inspection at the Registry of the Agency.

#### **Section 8**

##### **Submission of a project Brief**

- 1) Prior to commencing, carrying out, executing or conducting a project or activity specified in the Annex I to this Law, a developer, or project proponent, shall submit to the Agency and the relevant Line Ministry a project brief in a concise or manner prescribed by the Agency stating:

- a) The nature of the project in accordance with the categories specified in the annex I of this Law;
  - b) The location of the project and the county under whose jurisdiction it is situated and reasons for proposing the project in the area;
  - c) The activities that shall be undertaken during and after the development of the project;
  - d) The design of the project;
  - e) The materials to be used in the project, including during construction;
  - f) The possible products or by-products anticipated and their environmental consequences including the potential mitigation methods and measures;
  - g) The number of people the project shall employ;
  - h) The projected areas of land, air and water that may be affected;
  - i) Findings of the scooping activities; and
  - j) Any other pertinent evidence and analysis which the Agency may require for decision-making.
- 2) The Agency shall transmit a copy of the project brief with questions and comments to the line Ministry that may have an interest or expertise in the proposed project, and shall make copies available for public inspection and comment at the Registry;
  - 3) If the Line Ministry does not give its comments to the agency within the period required for comments or such extended period as agreed with the Agency, the Agency may proceed to consider the project brief;
  - 4) The Agency, in consultation with the Line Ministry, shall evaluate the project brief to determine the potential environmental impact of the proposed project or activity and shall make the following determination:
    - a) If a project may have a significant impact on the environment, the Agency shall require the proponent of applicant to prepare an environmental review in accordance with section 13 of this Law;
    - b) If the project or activity will have or is likely to have a significant impact on the environment and the project brief discloses no sufficient mitigation measures, the Agency shall require the proponent or application to prepare an environmental impact study in accordance with section 14 of this Law;
    - c) If the project or activity will not have, or is unlikely to have a significant impact on the environment or that the project discloses sufficient mitigating measures, the Agency may issue:
      - i. A finding of no significant impact, a "FONSI", and a notice published and placed on the notice board of the registry of the Agency at its head office and the office of the County Environmental Committee for the information of the public;
      - ii. A certificate of approval; unless the Agency determines that the scope, size and/or sensitivity or the project warrants public consultation prior to the issuance of the certificate of approval.

## **Section 9**

### **Duties of the Project proponent/Applicant**

- 1) For any project or activity requiring the preparation of a project brief, an environmental review, an environmental impact study and/or an environmental impact statement:
  - a) The project proponent/applicant shall be responsible for the timely preparation of the required documents in accordance with all procedures and guidelines prescribed by the Agency;
  - b) The cost of preparing the required documents shall be borne by the project proponent/applicant who may be subject to fees, payable to the Agency, that reflect the average costs insured by the Agency in reviewing the documents.

## **Section 10**

### **Duties of the Agency in the Environmental Impact Assessment process**

- 1) For any proposed project that may have a significant impact on the environment, the Agency shall develop and implement regulations establishing the procedures for evaluating the impact of the proposed project, which shall include:
  - a) A description of the format and procedures to be followed in the preparation of all required documents;
  - b) Procedures and guidelines for reviewing the qualification of professionals who shall be authorized to prepare environmental reviews, studies, statements and audits required under the Law.
- 2) The Agency shall maintain a Registry of the names and qualifications of approved consultants from which the Agency, in consultation with the Line Ministry, shall authorize a consultant to prepare an environment impact study;
- 3) The Agency shall employ and train such personnel as may necessary to ensure effective compliance by project proponent/applicant with the environmental impact assessment requirements under this Law.

## **Section 11**

### **The Scoping process**

- 1) Prior to preparing an environmental review, impact study or impact statement, the project proponent or applicant shall conduct public consultations to be termed as "scoping" to:
  - a) Identify, inform and receive input from the effected stakeholders and interested parties;
  - b) Determine and narrow the scope of the issues to be addressed n the environmental impact assessment;
  - c) Identify and define, at an early stage of the EIA process, the significant environmental issues, problems and alternatives related to the different phases of the proposed project or activity;
  - d) Ensure public participation early in the EIA process;
  - e) Ensure that all relevant issues and alternatives are adequately addressed in the environmental impact study;

- f) Provide the applicant with the information necessary for formulating the terms of reference for the environmental impact study and impact statement; and
  - g) Guide the applicant's consultants in preparing the environmental impact statement.
- 2) The applicant or project proponent shall take appropriate measures, through the County Environment Committee and District Environment Committee, during the scoping period and on an as-needed basis, to seek the views of the people who may be affected by the project during the study and such measures shall include:
    - a) Publishing the intended project and its anticipated effects in the district media;
    - b) Holding public meetings to consult the District communities on their opinion on the project;
    - c) Incorporating the views of the District communities in the report of the study; and
    - d) Any other measures prescribed by the Agency.
  - 3) The project proponent or applicant shall, in a prescribed manner, submit to the Agency a written scoping report which shall contain:
    - a) Description of the scoping process used;
    - b) Results of the scoping process;
    - c) Identification of all the authorities involved in the project or activity;
    - d) The identification of all interested and affected persons; and
    - e) Any other information or specific conditions recommended by interested persons and affected persons.

## **Section 12**

### **Environmental Reviews**

- 1) The project proponent or applicant shall prepare an environmental review for project or activities that may have a significant impact on the environment, and shall contain sufficient information to enable the Agency to determine whether a full environmental impact study should be required for the project;
- 2) The Agency shall promulgate guidelines describing the contents and format of environmental reviews, and specifying the procedures to be following by the Agency in evaluating environmental reviews.

## **Section 13**

### **Environmental Impact Study and Report**

- 1) If required, an environmental impact study shall be prepared in accordance with the Terms of Reference developed by the applicant or project proponent based on the results of the scoping activities and in consultation with the Agency and Line Ministry;
- 2) The environmental impact study shall focus on the concerns outlined in the Terms of Reference developed under subsection (1) and provide the research results/technical data necessary to, at the least:
  - a) Identify the nature and magnitude of the anticipated impacts of the project;
  - b) Predict the extent/scale/location of the impacts;

- c) Identify the timing, the stage at which the anticipated impact is likely to occur and the duration of the impact;
  - d) Predict the reversibility/irreversibility of anticipated impacts.
- 3) The applicant or project proponent shall submit and environmental impact study report accompanied by an executive summary of the main findings of the study.

## **Section 14**

### **Environmental Impact Statement**

- 1) Where the Agency has determined in accordance with section 8 of this Law that a full-scale environmental impact assessment should be undertaken, the developer or project proponent, shall submit to the Agency through the County Environment Officer an environmental impact statement on the completion of the environmental impact study incorporating:
- a) A detailed description of the proposed project or activity and of activities it is likely to generate;
  - b) A description of the potentially affected environment including specific information necessary for identifying and assessing the environmental effects of the proposed project or activities;
  - c) A description of the technology, method and processes that shall be used in the implementation of the project or activities and the main alternatives and reasons for declining to use those alternatives;
  - d) Reasons for preferring the proposal location and rejecting alternative sites;
  - e) Environmental impact of the proposed activity or project including its direct, indirect, cumulative, short-term and long-term effects on both the natural and built environments and on public health and safety;
  - f) An identification and description of measures proposed for avoiding, minimizing, mitigating and monitoring the anticipated adverse effects of the project or activity on the environment;
  - g) An indication of whether the environment of any other state or area beyond the limits of national jurisdiction is likely to be affected and the mitigating measures to be undertaken;
  - h) a brief description of how the information provided for in this section has been generated;
  - i) an identification of gaps in knowledge and uncertainties which were encountered in completing the required information;
  - j) the social, economic, cultural and public health effects the project is likely to have on people and society;
  - k) the ecological and atmospheric impacts anticipated;
  - l) the stage at which irreversible and irretrievable impacts are likely to occur if the project is implemented in the manner proposed by the developer; and
  - m) Such other matters that the Agency may require.

- 2) The environmental impact statement shall be accompanied by:
  - a) A report containing a non-technical summary of the main findings of the study; and
  - b) Ten copies to be disseminated to affected County and District environmental committees in the affected areas.
- 3) The environment impact statement shall be a public document and may be inspected by any person at the Registry of the Agency.

## **Section 15**

### **Comprehensive Environmental Mitigation Plan and Implementation Strategy**

- 1) The developer or project proponent, shall provide an environmental mitigation plan, which shall include:
  - a) Objectives
  - b) A description of activities to be carried out by the project proponent to mitigate any adverse effects on the environment;
  - c) Period within which the mitigation measures shall be implemented;
  - d) An estimate of the costs of carrying out the mitigation measures; and
  - e) The proven efficacy of the mitigation measures or indicating their experimental nature.

## **Section 16**

### **Review of Environmental Impact Statements**

The Agency shall review the environmental impact statement and:

- 1) Submit a copy of the environmental impact statement to the relevant Line Ministry and any other relevant public agencies for comment;
- 2) Provide copies of the environmental impact statement with necessary instructions to the County Environment Officer for dissemination to communities through the relevant County Environment Committee and District Environment Committee and other voluntary organizations;
- 3) The Agency shall, in consultation with the Line Ministry, study the environmental impact statement and if it deems it proper in its form and content shall:
  - a) Invite public comments on the environment impact statement in general;
  - b) Invite the comment of those persons who are most likely to be affected by the proposed project by specifically drawing their attention to the environmental impact statement through the County Environment Committee and District Environment Committee;
  - c) Require the County Environment Officer to hold public hearing for persons most likely to be affected by the proposed project or activity if he deems it necessary;
  - d) Consider the environmental impact statement and all the comments made:

## **Section 17**

### **Public Consultation on the Environmental Impact Statement**

- 1) For the purposes of section (16) (3) (b) above, the Agency shall:
  - a) By notice published for the consecutive days, invite comments from the public;
  - b) The public notice shall state the particulars of the project as set out in section (14) above;
  - c) The comments under sub-section (a) shall be received by the agency within 30 days of the publication of the notice or within such extended period as the Agency may grant by published notice.

## **Section 18**

### **Public Hearing**

- 1) Upon receiving the comments of the public and the Line Ministry or other agencies to whom a copy of the environmental impact statement was sent, or upon the expiry of the period stipulated for receipt of comments, and on considering the opinion from the comments, the Agency shall decide whether to hold a public hearing and:
  - a) The Agency shall hold a public hearing if five or more persons submit written request for a public hearing or if the agency determines that controversy about the project makes a public hearing necessary;
  - b) The public hearing shall be presided over by the County Environment Officer or a suitably qualified persons appointed by the Agency to be known as the presiding officer;
  - c) The public hearing shall be attended by the Agency and Line Ministry representatives, and relevant County Environmental Offices;
  - d) The public hearing shall be held at a venue which shall be convenient to the persons who are likely to be specifically affected by the project;
  - e) The date and venue of the public hearing shall be published;
  - f) On the conclusion of the hearing the presiding officer shall compile a report of the views presented at the public hearing and make factual findings;
  - g) The presiding officer shall determine the rules of procedure ground rules for the public hearing although any person may attend and make an oral presentation at the hearing within time limits to be determined by the presiding officer.
- 2) The applicant shall be given an opportunity to make a presentation and to answer presentations made;
- 3) The presiding officer shall collect all comments and make a record of the deliberations of the public hearing as may be stipulated by the Agency;
- 4) The presiding officer shall make a summary report of all comments and the deliberations of the public hearing and forward them to the Agency within a reasonable time as may be stipulated by the Agency.

## **Section 19**

### **Line Ministries Comments on Environmental Impact Statements**

- 1) The Line Ministry shall make comments on the environmental impact statement and transmit them back to the Agency;
- 2) The Line Ministry and any other agency to which a copy of the environmental impact statement is transmitted shall give its comments to the Agency within 30 days or such extended period as agreed with the Agency;
- 3) Any disagreement between the Line Ministry and the Agency may be referred to the Environmental Court to be resolved in a timely manner.

## **Section 20**

### **Constitution of the Environmental Impact Assessment Committee**

- 1) The Agency shall, after receiving all the comments on the environmental impact statement under sections (16), (17), (18), and (19) constitute the Environmental Impact Assessment Committee to review the environmental impact statement;
- 2) The committee members shall include pertinent staff from the relevant line ministry, members of the relevant technical committee of the Agency, a representative of the project proponent, and at least one person who is based in or lives in the area to be affected by the activity;
- 3) The Committee shall review the environmental impact statement for compliance with the terms of reference and for project design quality and shall give its opinions to the Agency.

## **Section 21**

### **Approval or Rejection of the Project or Activity**

The Agency may:-

- 1) Approve the project or activity unconditionally if it is satisfied that the project or activity shall not result in significant damage to the environment;
- 2) Approve the application conditionally by requiring the developer to redesign the project or do such other thing as the Agency considers necessary, taking into consideration the suggestions or comments made and all environmental factors; or
- 3) Refer the application back to the applicant for further study or submission of additional information;
- 4) Reject the application where it is of the opinion that the project may cause significant or irreversible damage to the environment.

## **Section 22**

### **Decision of the Agency**

- 1) The Agency shall give its decision on the application within three months of receiving the Environment Impact Statement or such extended period as shall have been mutually agreed with the applicant;

- 2) The Agency shall consider the environmental impact statement and all the comments from the public, an line ministries before any decision is made;
- 3) The Agency shall issue by public notice an account of the decision-making process and how the environmental impact assessment results were used to make the decision arrived at;
- 4) The Agency's decision shall contain reasons for the decision;
- 5) The decision shall be communicated to the developer, or project proponent, and a copy shall be available at the Agency's Registry for public inspection and its availability published;

## **Section 23**

### **Environmental Impact Assessment License and Record of Decision**

- 1) Where the Agency approves the application it shall issue to the applicant an Environmental Impact Assessment license on the terms and conditions appropriate and necessary to facilitate sustainable development and sound environmental management;
- 2) The Agency shall keep records which shall include:
  - a) Its decisions to the Application;
  - b) The date of the decision;
  - c) Key factors of that decision including responses to material issues raised by any person during the environmental impact assessment process;
  - d) The environmental mitigation/management plan an implementation strategy;
  - e) A copy of the environmental impact assessment license if issued;
  - f) Information with respect to the right of any person to seek reconsideration of the decision of the Agency and how such reconsideration may be sought.

## **Section 24**

### **Environmental Monitoring**

- 1) The Agency shall, in consultation with the relevant Line Ministry, monitor:
  - a) All environmental elements of mitigation measures with a view of making an assessment of a possible in the environment and their possible environmental impacts;
  - b) The mitigation measures for the operation of an industry, project or activity with a view to determining its immediate and long-term effects on the environmental impacts;
  - c) The operation of all projects in existence at and after the commencement of this Law with a view of determining whether they comply with the provisions of this Law.
- 2) The operation of the project shall comply with the environmental mitigation plan;
- 3) The Agency, where it determines that the project does not comply with the provisions of this Act, shall require that the developer of a project or activity take remedial measures in a manner and within such time as Agency may determine, and may bring action before the Environmental Court or through the Ministry of Justice to enforce compliance;
- 4) An environmental inspector may enter upon any land or premises, at appropriate hours for the purpose of monitoring environmental effects upon the environment or any

activities that are carried out on that land or premises in accordance with section 21 of the Agency act;

- 5) Monitoring reports shall be available for public inspection, without charge, at the Registry of the Agency.

## **Section 25**

### **Environmental Audit**

- 1) The Agency shall, in consultation with the relevant Line Ministry, be responsible for carrying out periodic environmental audit of activities or projects that are likely to have adverse effects on the environment;
- 2) The Agency may require:
  - a) The holder of an environmental impact assessment license;
  - b) The operator or developer of a project or activity for which an environmental impact statement has been made;
  - c) A person who has legal right in land or the owner of the premises where a project or activity for which environmental impact statements has been made;
  - d) To keep and submit to the Agency reports on all measures taken to ensure that the predictions made in the project brief, the environmental impact statement and the environmental monitoring plan are complied with;
- 3) An environmental inspector may enter any land or premises, at appropriate hours for the purposes of determining how far the activities carried out on that land or premises conform with the environmental impact statement and the environmental mitigation plan in respect of that land or those premises in accordance with section 21 of the Agency Act;
- 4) An environmental inspector may inspect the equipment, relevant records relating to environmental mitigation and management and interview staff, randomly;
- 5) A person who has a legal right in the land or the owner of the premises or a developer of a project or activity for which an environmental impact statement has been made, shall take all reasonable measures to mitigate undesirable effects not contemplated in the environmental impact statement and the environmental mitigation plan and shall report those measures to the Agency or whenever the Agency so requires.

## **Section 26**

### **Submission of Environmental Impact Assessment Report After Issuance of an Environmental Impact Assessment License**

- 1) A holder of an environmental impact assessment license shall inform the Agency where:
  - a) There is a substantial change or modification in the project or in the manner in which the project is being operated; or
  - b) The project poses environmental threat, which could not be reasonably foreseen at the time of the first study.
- 2) After consideration the Agency may direct the holder of a license to submit a revised or supplementary environmental impact statement, which shall be subjected to the EIS process to ensure that environmental impact concerns are identified and addressed;

- 3) Any person being a holder of an environmental impact assessment license, who fails to comply with the directions issued under sub-section (1)
  - a) Commits an offence and is liable, on conviction, to a fine not exceeding 10,000 US DOLLARS or imprisonment for a period not exceeding 5 years, or to both; and
  - b) The environmental impact assessment license shall be cancelled.

## **Section 27**

### **Mitigation Plan, Audits and Monitoring for Existing Industries, Projects, Activities**

- 1) The owner/management of all industries, projects, activities existing or initiated prior to the effective date of this Law, but which fall into the category of activities subject to an environmental impact assessment, shall within 90 days of the effective date, submit to the Agency Plans for improving environmental performance, which shall include:
  - a) Identification of the major environmental effects; and
  - b) A comprehensive mitigation plan in accordance with section (15) of this Law.
- 2) The mitigation plan shall be reviewed by the Agency in consultation with the Line Ministry, an agreement on mitigation strategies and timeframe reached with the owner/management.
- 3) Thereafter, all such industries, projects and activities are subject to periodic audits and ongoing monitoring in accordance with section (24), (25) and (26) of this Law.
- 4) Any owner/management of any industries, project, activities existing or initiated prior to the effective date of this Law, who fails to comply with the directions issued under section (27) commits an offence and is liable, on conviction, to a fine not exceeding 10,000 US DOLLARS or imprisonment for a period not exceeding 5 years, or to both.

## **Section 28**

### **Transfer of Environmental Impact Assessment License**

- 1) The holder of may transfer an environmental impact assessment license to another person only in respect of the project/activity in relation to which the license was issued;
- 2) Where the license referred to in subsection (1) is transferred, the person to whom it was issued must give the Agency prior notice of the pending transfer and both the license and the person to whom it is transferred to, shall jointly and in writing notify the Agency of the transfer, within 30 days of the transfer;
- 3) The holder of the license shall, where no joint notification of a transfer is given be deemed for the purposes of this Law to be the owner or the person having charge, or management or control of the project;
- 4) A transfer of an environmental impact assessment license shall be effective from the date the agency is notified of he transfer;
- 5) He Agency may prescribe additional procedures for transference of environmental impact license;
- 6) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding 25,000 US DOLLARS or to imprisonment for a period not exceeding 10 years or to both.

## **Section 29**

### **Fees**

- 1) The Agency shall be entitled to charge fees under a scheme of charges to be approved by the Council;
- 2) The fees shall be no more than needed to enable the Agency to recover its justifiable costs from year to year of administering the approval process;
- 3) There shall be a different scale of fees for applicants for approval of a project which is determined not to require an environment impact assessment from one which does;
- 4) In drawing up the scheme of charges, the Agency shall not be required to charge only the actual costs involved in approving each project, but shall be entitled to impose average charges except that, it may impose an additional charge from applications of particular complexity or demands of time and resources.

## **Section 30**

### **Appeals**

- 1) A person aggrieved by the decision of the agency to issue or refuse to issue a license under this section may, within 30 days of being informed of that decision, request in writing setting forth the reasons of his request that, the agency reconsider its decision;
- 2) The Agency shall within 30 days of receipt of a written request for reconsideration under this section, issue a decision affirming, modifying or reversing its earlier decision. The decision of the Agency shall become part of the record of decision;
- 3) Any person who is aggrieved by a decision of the Agency may appeal to the Environmental Court within 15 days of the decision;
- 4) Except where the appeal is against a suspension or revocation of the approval, the appeal shall not of itself act as a temporary restraint on the Agency and the Agency may proceed to give effect to its decision which shall be valid unless and until overruled by the Environmental Court.

## **Section 31**

### **Immunity**

- 1) No civil or criminal liability in respect of an approval of a project or the consequences resulting from an approved project shall be incurred by anyone acting in an official capacity on behalf of the Agency by reason of the approval, rejection or any condition attached to the approval;
- 2) The fact that an approval is made in respect of an environmental impact assessment shall afford no defense to any civil action or to a criminal prosecution under any enactment;
- 3) Notwithstanding sub-section (1) and (2), where there is determined to be fraud, no immunity shall exist.

## **Section 32**

### **Trans-Border and Related environmental Effects**

- 1) Where any project is carried out in the State, and the agency is of the opinion that the project is likely to have adverse environmental effects in another State, the Agency shall without delay:
  - a) Constitute a Technical Committee to deal with the aspects of environmental impact that is likely to occur;
  - b) Advise and assist the Line Ministry and State to enter into negotiations and international cooperation with the State where the harm is likely to occur in order to prevent and protect the environment from such harm.

## **Section 33**

### **Public access to Environmental Impact Assessment Documents**

- 1) The Agency shall, in a timely and prescribed manner, make available to the public all documents Submitted to the Agency under Part III of this Law and shall duly consider all public comments.

## **PART IV - ENVIRONMENTAL QUALITY STANDARDS**

## **Section 34**

### **Establishment of a Monitoring System**

- 1) The Agency, in collaboration with the relevant ministries and agencies, shall establish a monitoring system that provides regular reports for polluting facilities, industries and activities in Liberia;
- 2) The Agency shall make such reports available for public inspection and comments.

## **Section 35**

### **Water Quality Standards**

- 1) The Agency shall, in consultation with the relevant Line Ministries responsible for water supply and use:
  - a) Establish criteria and procedures for the measurement of water quality and provide for minimum water quality standards for different uses including:
    - i. Drinking water;
    - ii. Water for industrial purposes;
    - iii. Water for agricultural purposes;
    - iv. Water for recreational purposes;
    - v. Water for fisheries;
    - vi. water for wildlife;
    - vii. coastal waters that support the marine ecosystem; and
    - viii. Any other prescribed water uses.

- b) Make guidelines for the preservation of fishing areas, aquatic areas, water resources and reservoirs and other areas where water may need special protection;
- c) Identify areas of research and initiate or commission research on the effects of water pollution on the environment, human beings, fauna and flora;
- d) Order or carry out investigations of actual or suspected water pollution including the collection of data;
- e) Document the analytical methods by which water quality and pollution control standards can be determined;
- f) Collect, maintain and interpret data from industries and District authorities on the pre-treatment nature and levels of effluents;
- g) Prescribe measures for the treatment of effluent before discharging it into the sewerage systems;
- h) Establish standards for the discharge of effluent into waters of Liberia;
- i) Recommend the undertaking by a plant operator, of works necessary for the treatment of effluent before it is discharged into the waters;
- j) Do or perform any at necessary for the monitoring and control of water pollution; and
- k) The Agency may in consultation with the relevant Line Ministry, prescribe different quality standards to apply in different areas of Liberia with respect to different segments of the water environment and the Agency may, from time to time, vary such standards.

## **Section 36**

### **Air Quality Standards**

- 1) The Agency shall, in consultation with the relevant Line Ministry:
  - a) Establish criteria and procedure for the measurement of air quality including:
    - i. Ambient air quality standards;
    - ii. Occupational air quality standards;
    - iii. Emission standards for various sources;
    - iv. Criteria and guidelines for air pollution control for both mobile and stationary sources; and
    - v. Any other air quality standards;
  - b) Take measures to reduce existing sources of air pollution by requiring the redesign of plants of the installation of new technology or both in order to meet the requirements of standards established under this section;
  - c) Make guidelines to minimize emissions of green house gases and identify appropriate technologies to minimize air pollution;
  - d) Consider the rate of emission concentration and nature of pollutants emitted;
  - e) Consider the best practicable technology available in controlling pollutants during the emission process;
  - f) Determine the analytical methods for monitoring air contaminants and the establishment of laboratories for the analytical services;

- g) Order or carry out investigations of actual or suspected air pollution including pollution produced by aircraft, motor vehicles, factories and power generating stations;
  - h) Order an industry or any other source of air pollution to file reports and provide any information as it may require; and
  - i) Do all such things which may be necessary for the monitoring and controlling of air pollution.
- 2) Any person who emits or causes to emit a substance, which causes air pollution in contravention of emissions standards established under this Act, shall be guilty of an offence and is liable, on conviction, to a fine not exceeding 5,000 US DOLLARS or to both, such fine and imprisonment for a period not exceeding one year.
  - 3) A person who is convicted under subsection (2) shall in addition to any sentence or fine imposed:
    - a) Pay the costs which may be incurred by any Line Ministry or the Agency in the restoration of the environment damaged or destroyed as a result of the emission; and
    - b) Pay to the third party in the form of reparation, restoration, restitution or compensation as may be determined by the Court.

## **Section 37**

### **Standards, Classification and Identification of Hazardous Waste and Materials**

The Agency shall in consultation with the relevant Line Ministry:

- a) Identify materials and processes that are dangerous to human health and the environment;
- b) Issue guidelines for the handling, storage, transportation, segregation and destruction of hazardous waste;
- c) Prescribe standards and classification for waste and analysis and formulas and advise on standards of disposal methods and means for such waste;
- d) Issue guidelines and prescribe measures necessary for the management of the materials and processes identified under paragraph (a).

## **Section 38**

### **Classification of hazardous Waste**

- 1) Pursuant to section 38 above, the Agency shall, in consultation with the relevant Line Ministry, adopt standards or criteria for the classification of hazardous wastes in order to determine:
  - a) Corrosive waste;
  - b) Carcinogenic waste
  - c) Flammable waste;
  - d) Persistent organic pollutants;
  - e) Toxic waste;
  - f) Explosive waste;
  - g) Radioactive waste;

- h) Wastes, reactive otherwise than as described in the forgoing; and
  - i) Any other category of hazardous waste, which the Agency may consider necessary.
- 2) The Agency shall, in consultation with the relevant Line Ministry, issue guidelines for the handling, storage, transportation, segregation, disposal and treatment of hazardous waste.

### **Section 39**

#### **Solid Waste Management Standards**

- 1) Within 12 months of the effective date of this Law, the Agency, in cooperation with relevant ministries, agencies, city and county governments, and in consultation with other stakeholders in the community, and after public hearings, develop and publish national guidelines for solid waste management;
- 2) The guidelines shall include strategies and incentives for reducing, recycling, reusing waste.

### **Section 40**

#### **Soil Quality Standards**

- 1) The Agency shall, in consultation with the relevant Line Ministry, establish criteria and procedures for the management and determination of soil quality and minimum standards for the management of the quality of the soil;
- 2) For the purpose of sub section (1), issue guidelines for:
- a) The disposal of any substance in the soil;
  - b) The optimum manner for the utilization of any soil;
  - c) The identification of the various soil;
  - d) The practices that will conserve the soil
  - e) The prohibition of practices that will degrade the soil; and
  - f) Do any other thing necessary for the monitoring and controlling of soil degradation.
- 3) No person shall use or dispose of soil contrary to the established standards for the management of the quality of soil or guidelines issued pursuant to this section.;
- 4) A person who contravenes the provisions of subsection (2) commits an offence and is liable on conviction to a fine not exceeding 20,000 US DOLLARS or to both fine and imprisonment for a period not exceeding 10 years.

### **Section 41**

#### **Standards for Noise**

The Agency shall, in consultation with the relevant Line Ministry establish:

- a) Minimum standards for emissions of noise and vibration pollution into the environment;

- b) Criteria and procedures for the measurement of noise and vibration pollution into the environment from existing and future sources;
- c) Criteria and procedures for the measurement of sub-sonic vibrations;
- d) Guidelines for the abatement of sub-sonic vibrations;
- e) Noise levels and noise emission standards applicable to construction sites, plants, machinery, motor vehicles, aircraft including sonic booms, industrial and commercial activities;
- f) Appropriate measures to ensure the abatement and control of noise from sources referred to above;
- g) Controls for the levels of noise emanating from sources referred to above, details of which shall be given to the owner or occupier of the premises from which the measurement was taken; and
- h) Guidelines for the abatement of unreasonable noise and vibration pollution emitted into the environment from any source.

## **Section 42**

### **Noise in Excess of Established Standards Prohibited**

- 1) No person shall emit or cause to emit noise in excess of the noise emission standards established under section (41) of the Law;
- 2) A person who contravenes the provisions of subsection (1) commits an offence and is on conviction liable to a fine not exceeding 15,000 US DOLLARS or to imprisonment for a period not exceeding seven years or to both.

## **Section 43**

### **Exemptions**

- 1) Notwithstanding the provision of section 42 of this Law, the Agency may, on request by any person, issue a temporary permit not exceeding three months, allowing emission of noise in excess under such terms and conditions as the Agency may determine;
- 2) The Agency shall take into account the interest of the community expected to be affected by the noise;
- 3) Where an exemption has been given under subsection (1), a worker exposed to excessive levels of noise shall be adequately protected in accordance with the directives issued by the Agency.

## **Section 44**

### **Standards for Ionization and other Radiation**

The Agency shall, in consultation with the relevant Line Ministry:

- a) Establish the standards for the acceptable levels of ionizing and other radiation in the environment;
- b) Establish criteria and procedures for the measurement of ionizing and other radiation;

- c) Inspect and examine any area, place or premises or any vehicle or any vessel in or upon which the Agency has reasonable cause to believe that radioactive material or any source of ionizing radiation is stored, used, transported or disposed of;
- d) Examine any person with respect to matters under this where there is reasonable cause to believe that a person is contaminated with radioactive material or is in unlawful possession of an ionizing radiation source;
- e) Provide and disseminate information to the public in order to warn and protect the public in case of actual or potential exposure to radioactive material or ionizing radiation;
- f) Conduct an ionizing radiation monitoring, control, and protection measures;
- g) Maintain records o release of radioactive contaminants into the environment;
- h) Maintain register of all radioactive substances imported into Liberia;
- i) Do all such things as may be necessary for the monitoring and control of pollution from radiation.

## **Section 45**

### **Offences Relating to Ionizing Radiation**

- 1) No person shall import, process, mine, export, possess, transport, use or dispose of radioactive materials or other sources of dangerous radiation unless he holds an ionizing radiation license issued under this Law or the regulations made under this Law;
- 2) An ionizing radiation license issued under this section shall be valid for one year;
- 3) An application for a ionizing radiation license shall be in the prescribed form and accompanied by the prescribed fee;
- 4) A person who contravenes the provisions of subsection (1) commits an offence and is on conviction liable to a fine not exceeding 50,000 US DOLLARS or to imprisonment for a period not exceeding 20 years or to both;
- 5) Where a person is convicted in respect of this section, the Agency may, in addition to the penalties provided in subsection (4), seize, impound, destroy or dispose of radioactive materials or other source of dangerous ionizing radiation, in such manner as the court may consider necessary to protect the public and the environment, or may only be returned to the owner on orders of the Court and under such conditions se out in the license issued by the Agency.

## **Section 46**

### **Powers of Environmental Inspectors Relating to Ionizing Radiation**

- 1) An inspector of the Agency may at any reasonable time:
  - a) Enter, inspect and examine a place, area, premises, vehicle, vessel or a conveyance of any description on which he has reasonable grounds to believe that radioactive materials or any source of ionizing radiation is stored, used, transported or disposed of; or
  - b) Order presentation of a license authorizing the possession or use of the radioactive material or sources of dangerous ionizing radiation.
  - c) Impound the radioactive materials or sources of dangerous ionizing radiation.

- 2) Notwithstanding the provisions of paragraph (a) of subsection (1), an environment inspector shall not enter a private dwelling house unless he has obtained a search warrant from the Environmental Court for a search where the private dwelling house is situated authorizing for the entry, and the inspection, examining and impounding of the radioactive material or sources of dangerous ionizing radiation.

## **Section 47**

### **Standards for the Control of Noxious Odors**

The Agency, shall in consultation with the relevant Line Ministry establish:

- a) Procedures for the measurement and determination of noxious odors;
- b) Minimum standards for the control of pollution of the environment by noxious odors;
- c) Guidelines for measures for the abatement of noxious odors whether from human activities or from naturally occurring phenomena.

## **Section 48**

### **Offences Relating to Noxious Odors**

- 1) No person shall pollute the environment with noxious odors contrary to the established standards for the control of noxious odors;
- 2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction liable to a fine not exceeding 10,000 US DOLLARS or to imprisonment for a period not exceeding five years or to both.

## **Section 49**

### **Other Standards**

- 1) The Agency shall, in consultation with the relevant Line Ministry, establish standards, procedures and criteria for the protection of human health and the environment in:
  - a) Labor and work places;
  - b) Industrial products;
  - c) Materials used in industry, agriculture and for domestic uses;
  - d) Consumer products; and
  - e) Such other matters and activities that may affect human health and the environment.

## **Section 50**

### **Guideline for Environmental Disasters**

- 1) The Agency shall, in consultation with the relevant Line Ministries, Armed Forces, Police Force, the National Fire Service, health care authorities, the county and district environmental committees and other organizations which the Agency considers necessary, develop and implement contingency plans for the management of environmental disasters including:

- a) Major oil spills and gas leakage;
  - b) Spills of hazardous substances;
  - c) Industrial accidents;
  - d) Natural disasters including floods, droughts and major pests infestation, or other intrusion of alien species of fauna and flora;
  - e) Fire;
  - f) Other human activity that may cause disaster to human health and the environment.
- 2) The County Environment committees and the District Environment committees, in collaboration with the Agency, shall prepare plans for responses to environmental disasters, with specific reference to known, possible disasters within their area of jurisdiction;
  - 3) Environmental disaster plans shall be distributed to all sectors and institutions and the Environmental Committees so established under this Law to disseminate information, and carry out awareness programmes.

## **PART V - POLLUTION CONTROL AND LICENSING**

The measures for pollution control and licensing provided for under this Part shall be exercised in conjunction with other measures created by economic instrument that shall be included in the annual budget proposed by the Minister of Finance and in consultation with the Agency, and enacted by the Legislature.

### **Section 51**

#### **Register of Pollutants**

- 1) The Agency shall, in collaboration with the appropriate ministries, agencies and research institutions, establish a register of pollutants and their effects on human health and environment
- 2) The Register of pollutants may provide the data for guidelines for managing these pollutants

### **Section 52**

#### **Management of Pesticide, Toxic and Hazardous Chemicals and Materials**

- 1) Any pesticide or toxic substance, which the Agency reasonably suspect to be the subject matter of an offence under this Act, shall be liable to seizure by the Agency;
- 2) Whenever any pesticide or toxic substance is seized under subsection (1), the Agency shall serve a notice of seizure on the owner of the pesticide or toxic substance as soon as practicable;
- 3) Where any pesticide or toxic substance is seized under this section, the pesticide or toxic substance shall be placed under the custody of the Agency;
- 4) Any pesticide or toxic substance placed under the custody of the Agency under subsection (3) shall be released, if after three months:

- a) No prosecution under the Law has been instituted with regard to the pesticide or toxic substance;
  - b) No person is convicted of an offence under this Law;
- 5) The Agency shall in consultation with the relevant Line Ministry, make regulations prescribing the contents of any application and the conditions for the registration of pesticides and toxic substances under the Law.

### **Section 53**

#### **Seizure of Pesticide, Toxic Substance, Hazardous Chemicals and Materials**

- 1) Any pesticide or toxic substance, which the Agency reasonably suspects to be the subject matter of an offence under this Act, shall be liable to seizure by the Agency.
- 2) Whenever any pesticide or toxic substance is seized under subsection (1), the Agency shall serve a notice of seizure on the owner of the pesticide or toxic substance as soon as practicable.
- 3) Where any pesticide or toxic substance is seized under this section, the pesticide or toxic substance shall be placed under the custody of the Agency.
- 4) Any pesticide or toxic substance placed under the custody of the Agency under subsection (3) shall be released, if after three months:
  - a) No prosecution under the Law has been instituted with regard to the pesticide or toxic substance;
  - b) No person is convicted of an offence under this Law.
- 5) The Agency shall in consultation with the relevant Line Ministry, make regulations prescribing the contents of any application and the conditions for the registration of pesticides and toxic substances under this Law.

### **Section 54**

#### **Leaded Gasoline and Leaded Paint**

- 1) It has been established by international research and investigation that the use of leaded gasoline and leaded paint have a public impact and cause neurological damages, especially in children, therefore, the Agency shall:
  - a) Investigate the use of lead in gasoline and paint in Liberia;
  - b) Establish standards and guidelines for acceptable levels of the lead content of gas and paint;
  - c) Take steps to reduce the lead content in gasoline and paint, phase out and/or ban the use of leaded gasoline and leaded paint over a three month period following the effective date of this Law.

### **Section 55**

## **Importation and Exportation of Hazardous Waste Prohibited**

- 1) No person shall illegally import into Liberia any hazardous waste or substance;
- 2) No person shall export from Liberia to any county hazardous waste or substances unless he has a license issued by the Agency;
- 3) The exporter of hazardous waste or substance shall, before a license is issued, produce to the Agency written confirmation from an appropriate Agency of the receiving country that the Agency subject to such conditions as the Agency may impose;
- 4) No person shall transport within Liberia hazardous waste or substances except under a license issued by the Agency subject to such conditions as the agency may impose;
- 5) Any person who imports any hazardous waste or substance into Liberia contrary to subsection (1) shall be responsible for the removal of the waste from Liberia and for its safe disposal;
- 6) In addition, any person who imports into Liberia, exports out of Liberia, and transports within Liberia, hazardous waste except as prescribed by the provisions of this section commits an offence and is on conviction liable to a fine not exceeding 50,000 US DOLLARS or to imprisonment for a period not exceeding 20 years or to both.

### **Section 56**

#### **Prohibition of Discharge of Hazardous Substances, Chemicals and Materials or Oil into the Environment and Spillers Liability**

- 1) No person shall discharge any hazardous substance, chemical, oil or mixture containing oil in any waters or any other segment of the environment except in accordance with guidelines prescribed by the Agency in consultation with the relevant Line Ministry;
- 2) Any person who discharges a hazardous substance, chemical, oil or mixture containing oil into any waters or other segments of the environment contrary to subsection (1) commits an offence and is liable on conviction to a fine not exceeding 50,000 US DOLLARS or to imprisonment for a period not exceeding 20 years or to both;
- 3) A person convicted of an offence under subsection (2) shall in addition to any other sentence imposed by the court:
  - a) pay the cost of the removal, including any costs which may be incurred by the Agency or any State agency or organ in the restoration of the environment damaged or destroyed as a result of the discharge; and
  - b) The cost of the third parties in the form of reparation, restoration, restitution or compensation as may be determined by a court of law on the application by such third party.
- 4) The owner or operator of a production or storage facility, motor vehicle or vessel from which a discharge occurs contrary to this section shall mitigate the impact of the discharge by:
  - a) Giving immediate notice of the discharge, to the Agency and other relevant Line Ministries;
  - b) Immediately beginning the clean-up operations using the best available clean-up methods;
  - c) Complying with such directions as the Agency may, from time to time prescribe.

- 5) Notwithstanding sub-section (4), in the face of a threat to the environment and/or human health by discharge of hazardous substance, if the owner or operator of a discharging, production or storage facility, vehicle, conveyance cannot be located, the Agency shall take the necessary measures to mitigate the impact of the discharge, and may recover the cost either through administrative or judicial means;
- 6) Any person who contravenes the provisions of subsection (4) commits an offence and is on conviction liable to a fine not exceeding 50,000 US DOLLARS or to imprisonment for a period not exceeding 20 years or to both;
- 7) The Agency may seize the production or storage facility, vehicle, conveyance from which a discharge occurred until the owner or operator of that production, storage facility or conveyance from which a discharge occurred has taken measures to mitigate the impact of the discharge or stopped the discharge;
- 8) Where the owner or operator fails to take necessary measures referred to in subsection (4) after the passage of a reasonable time based on the circumstances and not exceeding three months, the Agency may apply for a court order to dispose of the production, storage facility or conveyance from which the discharge occurred and/or for an award to meet the costs of any remedial or restoration measures taken by the Agency.

## **Section 57**

### **Effluents to be Discharged only into Sewerage System**

- 1) Every owner or operator of a trade or industrial undertaking shall discharge any effluent or other pollutants originating from the trade or industrial undertaking only into existing sewerage system after pre-treatment to meet sewerage discharge standards;
- 2) Every Ministry or authority operating a sewerage system and every owner or operator who owns or operates a trade or industrial undertaking shall, within 3 months of the coming into operation of this Law discharge any effluent or other pollutants originating from the trade or industrial undertaking only into the sewerage system and upon the possession of an effluent discharge license;
- 3) A person who contravenes the provisions of subsection (1) and (2) commits an offence and is liable on conviction to a fine not exceeding 5,000 US DOLLARS or to imprisonment for a period not exceeding one year or to both;
- 4) In addition to license fees, the Agency may, by notice published, prescribe such fees as may be deemed necessary for the monitoring, cleaning up, removing or disposing of pollutants discharged or emitted in the environment.

## **Section 58**

### **Application for Effluent Discharge License**

- 1) Applicants for an effluent discharge license shall include:
  - a) Any person who owns or operates a trade, industrial undertaking that shall discharge into the sewerage system any effluent or other pollution originating from the trade or industrial; and
  - b) Every Ministry or local authority or body operating a sewerage system;

- 2) Every application for an effluent discharge license shall be in a prescribed form and accompanied by a prescribed fee;
- 3) The discharge license shall be valid for a period of not more than one year from the date of issue;
- 4) Where the Agency rejects an application for an effluent discharge license, the Agency shall in writing state reasons for rejecting the application;
- 5) A person, ministry or authority, who at the effective date of this Law, owns or operates a trade, industrial undertaking that shall discharge into the sewerage system, or operates a sewerage system, shall apply in writing to the Agency for a license under this section within 3 months as of the effective date of this Law;
- 6) Any person who contravenes the provisions of subsections (1) and (5), commits an offence and is on conviction liable to a fine not exceeding 15,000 US DOLLARS or imprisonment for a period not exceeding 5 years or to both.

## **Section 59**

### **Cancellation of Effluent Discharge License**

- 1) The Agency may in writing and in consultation with the Line Ministry, cancel an effluent discharge license:
  - a) If the holder of the license contravenes the provisions of this Law or any regulations made pursuant to this Law;
  - b) If the holder fails to comply with any condition specified in the license; or
  - c) If the Agency considers it in the interest of the environment or in the public interest.
- 2) Where the Agency rejects an application for the grant of an effluent discharge license it shall within twenty-one days notify the applicant of its decision and state in writing its reasons for rejecting the application;

## **Section 60**

### **Register of Effluent Discharge License**

- 1) The Agency shall maintain a register of all effluent discharge license issued under this Law;
- 2) The register shall be a public document and may be inspected at any reasonable time by any person.

## **Section 61**

### **Water Pollution Prohibited**

- 1) Any person who discharges or applies, or permits any person to dump or discharge, any poison, toxic, noxious, or obstructing matter, radioactive waste or other pollutant into any waters of Liberia, which is likely to cause harm to human health or aquatic environment in contravention of the water pollution control standards established under this Law shall be guilty of an offence and liable on conviction to a fine not exceeding 50,000 US DOLLARS to imprisonment for a period not exceeding 20 years or to both;

- 2) A person who is convicted under subsection (1) shall, in addition to any sentence or fine imposed on him:
  - a) Pay the costs of the removal of any poison, toxic, noxious, or obstructing matter, radioactive waste or other pollutant including the cost of restoration of the damaged environment, which may be incurred by the Agency or Line Ministry or organization in that respect; and
  - b) Pay the cost incurred by a third party in the restoration, restitution or compensation as may be determined by a court of law on the application by such third parties.

## **Section 62**

### **Prohibition of Solid Waste Pollution:**

- 1) Notwithstanding section (59), no person shall discard, dump or leave any litter on any land, coastal zone or water surface, street, road or site in or on any place to which the public has access, except in a container or at a place which has been specially indicated, provided or set apart for such purpose;
- 2) Every person or authority in control of or responsible for the maintenance of any place to which the public has access shall at all times ensure that containers or places are provided which will normally be adequate and suitable for the discarding of litter by the public;
- 3) A person who discharges discard, dump or leave any litter on any land, coastal zone or water surface, street, road or site in or on any place or the environment contrary to subsection (1) commits an offence and is liable on conviction to a fine not exceeding 5,000 US DOLLARS or to imprisonment for a period not exceeding one year or to both;
- 4) Any person who contravenes the provisions of this section shall be required to undertake community service and clean-up the litter using the best available clean-up methods and taking precaution to protect human health and the environment.

## **Section 63**

### **Duty to Supply Information to the Agency**

- 1) All owners or operators of irrigation project schemes, sewerage systems, industrial production plants, industrial workshops or any other undertaking which discharges effluents or other pollutants into the environment shall within 3 months of the coming into operation of this Law or as may be demanded from time to time by the Agency, submit on demand, accurate information about the quality and quantity of such effluent or other pollutants;
- 2) Any person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding 5,000 US DOLLARS or to imprisonment to a period not exceeding one year or to both.

## **Section 64**

### **Application for a Solid and Hazardous Waste Disposal License**

- 1) The Agency shall establish guidelines for the operation of solid waste and hazardous waste facilities;

- 2) Any person who:
  - a) Owns or operates a garbage or waste disposal site or plant;
  - b) Generates hazardous waste;
  - c) Stores hazardous waste;
  - d) Handle or transport hazardous waste;
  - e) Disposes of hazardous waste;

Shall apply for a license to own or operate a disposal site, generate, store, transport or dispose of the garbage or hazardous waste.

- 3) Applications shall be made in the prescribed form to the Agency and the license shall be issued for a prescribed fee and on such terms and conditions as the Agency may prescribe;
- 4) The waste license shall be valid for a period of not more than one year;
- 5) Any person whose activities generate waste shall employ measures essential to minimize waste through treatment, determination or recycling and re-mediation;
- 6) Where the Agency rejects an application for waste license, the Agency shall in writing state reasons for rejecting the application;
- 7) A person, who at the commencement of this Law is carrying on the business or operating a waste disposal site, plant, generating, storing, transporting or disposing hazardous waste, shall apply in writing to the Agency for a license under this section within 3 months of the coming into operation of this Law;
- 8) Any person who contravenes the provisions of subsections (1) and (5), commits an offence and is on conviction liable to a fine not exceeding 15,000 US DOLLARS or imprisonment for a period not exceeding ten years or to both.

## **Section 65**

### **Cancellation of a Solid and Hazardous Waste Disposal License**

- 1) The Agency may in writing, cancel a waste license where:
  - a) The holder of the license fails to comply with the conditions specified in the license; or
  - b) The Agency considers it in the interest of the environment or public health or in the public interest.
- 2) Aggrieved persons may petition the Agency to cancel or modify a license of a facility that violates the terms of its license or whose activities pose a threat to the environment and human health.

## **Section 66**

### **Court Order to Cease Operation**

The Agency may apply to the Environmental Court or to the Circuit Court, through the Ministry of Justice, for an order compelling a person to immediately stop waste generation, handling, transportation, storage or disposal of hazardous waste where such generation, handling,

transportation, storage or disposal presents imminent and substantial danger to public health, the environment or natural resources.

## **Section 67**

### **Appeals**

Any person aggrieved by decision of the Agency under this Part may in writing appeal to the Environmental Court established under the provisions of the Agency Act or may seek judicial review of this decision.

## **Section 68**

### **Register of Waste Licenses and other Pollution Licenses**

- 1) The Agency shall maintain a register of all garbage, waste licenses and any other pollution license issued pursuant to this Law;
- 2) The register referred to in subsection (1) shall be a public document and may be inspected by any person during regular business hours at no cost.

## **Section 69**

### **Prohibition of Pollution by Emission**

- 1) The Agency, in collaboration with the Ministry of Health and the Ministry of Transport shall investigate the impact of the use of generators on the environment and human health and formulate guidelines that will help to reduce the impact of generator emission;
- 2) No person shall pollute, permit or cause any other person to pollute by emission into the environment in excess of any standards or guidelines established under this Law;
- 3) A person who pollutes, permits or causes any other person to pollute by emission into the environment in excess of any standards and guidelines established under this Law commits an offence and is liable on conviction to a fine not exceeding 10,000 US DOLLARS or to imprisonment for a period not exceeding five years or to both;
- 4) A person who pollutes, permits or causes any other persons to pollute the environment by emission other than in accordance with this Law may be required by the Agency to clean-up, remove or dispose of the pollutant in such manner and within such period as the Agency shall direct;
- 5) In addition to any sentence that may be imposed upon a polluter under subsection (2), the court may require such person to:
  - a) Pay the full cost of cleaning up the environment and of removing the effects of the pollution; or
  - b) Clean up the environment and remove the effects of the pollution.

- 6) Without prejudice to the provisions of subsection (2) and (3) , the court may also require the polluter to meet the costs of the pollution to third parties through compensation, restoration or restitution.

## **Section 70**

### **Emissions by Motor Vehicles and Other Conveyances**

- 1) The Agency, in collaboration with relevant ministries and agencies, shall develop an effective conveyance inspection system and establish a permitting system to reduce and prevent vehicular emission;
- 2) No owner or operator of a motor vehicle, train, ship or aircraft or any similar conveyance shall:
  - a) Operate it in such manner as to cause air pollution in contravention of the established emission standards; or
  - b) Import any machinery, equipment or any similar device which is likely to cause emissions into the ambient air in contravention of the established emission standards;
- 3) A person who contravenes the provisions of this section commits an offence and is liable on conviction to a fine not exceeding 5,000 US DOLLARS or to imprisonment for a period not exceeding two years or to both.

## **Section 71**

### **Pollution Emission License**

- 1) No person shall carry out any project or activity, which is likely to pollute the environment in excess of any standards or guidelines issued under this Law unless he is in possession of pollution license;
- 2) Every person, owner or operator of a trade or industrial undertaking who, at the commencement of this Law is carrying on a project or activity which is likely to pollute the environment in excess of any standards or guidelines prescribed under this Law shall, within three months of the coming into operation of this Law apply for an emission license;
- 3) An application for a pollution license shall be in the prescribed form and accompanied by the prescribed fee;
- 4) Where the Agency rejects an application for the grant of a pollution license it shall within 21 days notify the applicant of its decision and state in writing its reasons for rejecting the application;
- 5) A pollution license shall be valid for a period of one year from the date of issue;

- 6) The Agency shall before issuing a pollution license:
  - a) Consider the possible effects of the emission on the quality of ambient air;
  - b) Consider existing licenses affecting the same air resource;
  - c) Give due regard to the requirements of the residents, human settlements and other industrial and commercial activities;
  - d) Solicit the comments of District authorities and concerned ministries or organizations;
  - e) Where the information accompanying the application appears inadequate, require the applicant to furnish further information relating to the project or activity in question, its location, materials, technology design or other appropriate matters; or
  - f) Where it appears necessary to conduct an environmental impact assessment study, require the applicant to conduct an environmental impact assessment study in respect of that project or undertaking in accordance with the provisions of this Law.
- 7) The fee to be charged under this section shall be determined in accordance with the polluter pays principle;
- 8) A person contributing the greater amount of pollution shall bear the largest burden in paying for cleaning the environment.

## **Section 72**

### **Additional Licensing Procedure**

The Agency may establish additional procedure for the application and issue of a pollution emission license.

## **Section 73**

### **Register of Pollution Emission License**

- 1) The Agency shall maintain a register of all pollution emission licenses issued under this Law;
- 2) The register shall be a public document and may be inspected at any reasonable time by any person and on the payment of the prescribed fees.

## **PART VI - GUIDELINES AND STANDARDS FOR THE MANAGEMEN OF THE ENVIRONMENT AND NATURAL RESOURCES**

## **Section 74**

### **Management of Rivers, Lakes and Wetlands**

- 1) The Agency may by published notice prescribe general or specific guidelines or standards for the management of rivers, lakes, and wetlands which shall include the following:
  - a) Measures for the prevention or control of soil erosion;
  - b) The conservation of any vegetation growing in and around a river, lake or wetlands;
  - c) The contingency plan for the prevention and control of any deliberate or accidental discharge which is likely to pollute the river, wetland or lake;
  - d) The control measures to be taken in harvesting of minerals including strategies for the restoration of mining sites;
  - e) The control measures to be taken in harvesting aquatic living and non-living resources to ensure optimum sustainable yield; and
  - f) Promotion of environmental friendly tourism.
- 2) Every County Environment Committee, with the assistance of the District Environment Committees, shall identify the rivers, lakes and wetlands within its jurisdiction which have value to the local communities or which are at risk from environmental degradation and take all appropriate measures to minimize the risk or recommend to the Agency the need for the protection of those areas.

## **Section 75**

### **Protection of Rivers, Lakes and Wetlands**

- 1) The Agency shall in consultation with the relevant Line Ministry issue guidelines and prescribe measures for protection of rivers, lakes, and wetlands;
- 2) Subject to subsection (3), no person shall in relation to a river, lake, or wetland carry out any of the following activities:
  - a) Use, erect, construct, place, alter, extend, remove or demolish any structure in, on, under, or over the bed;
  - b) Excavate, drill, tunnel or disturb the bed otherwise;
  - c) Introduce or plant any part of a plant, plant specimen or organism whether alien or indigenous, dead or alive in a river, lake or wetland;
  - d) Introduce any animal or micro-organism whether alien or indigenous, dead or alive in a river, lake or wetland;

- e) Deposit any substance in a river, lake, or wetland or in or under its bed, which is likely to have adverse environmental effects on the river, lake or wetland;
  - f) Direct or block a river, lake or wetland from its natural and normal course; and
  - g) Drain any river, lake or wetland.
- 3) The Agency may by notice publish:
- a) Declare a river, lake, or wetland a protected area; and
  - b) Impose any restrictions, as it considers necessary for the protection of the river, lake, and wetland from environmental degradation.
- 4) In declaring a river, lake, or wetland a protected area, the Agency shall take into consideration the following factors:
- a) The geographical size of the river, lake or wetland; and
  - b) Specific features and nature of biological communities and their endemic nature;
  - c) The interests of the communities resident around the river, lake or wetland.
- 5) Notwithstanding the provisions of this section and section 70, the Agency may authorize sustainable use of river, lakes and wetlands where such use is not likely to cause adverse effects on the riverbanks lakeshores or wetlands;
- 6) Any person who contravenes the provisions of subsection (1) commits an offence and is on conviction liable to a fine not exceeding 5,000 US DOLLARS or to imprisonment for a period not exceeding two years or to both.

## **Section 76**

### **Protection of Landscape from Environmental Degradation**

- 1) Every County Environment Committee with the assistance of the District Environment Committees shall identify areas which are at risk from environmental degradation and if:
- a) It is prone to soil erosion;
  - b) Landslides have occurred or are likely to occur in such an area;
  - c) Vegetation cover has been removed or is likely to be removed from the area at a rate faster than it is being replaced; or
  - d) It has been over utilized and excessively harvested;
  - e) Any other land use activity in that area is likely to lead to environmental degradation.
- 2) Every County Environment Committee shall notify the Agency of the area it has identified as being at risk from environmental degradation;
- 3) The Agency shall in consultation with the relevant Line Ministry, provide guideline and measures necessary for protection of the area which shall include:
- a) Sustainable use of forests and any natural resources;

- b) Protection of water catchment's area;
  - c) Prevention of soil erosion;
  - d) Regulation of human settlement;
  - e) Appropriate farming methods;
  - f) Disaster preparedness;
  - g) Afforestation and reforestation;
  - h) The carrying capacity of the area in relation to animal husbandry;
  - i) Any other measures that the Agency may consider necessary.
- 4) Every County Environment Committee with the assistance of the District Environment Committees shall ensure that the guidelines issued and measures prescribed under this section are implemented especially through voluntary activities of the local communities.

## **Section 77**

### **Protection of Forest**

- 1) The Agency shall, in consultation with the relevant Line Ministry, issue guidelines and prescribe measures for the sustainable use and protection and management of all forests in Liberia;
- 2) Every County Environment Committee with the assistance of the District Environment Committees shall ensure that the guidelines issued and measures prescribed under this section are implemented especially through voluntary self-help activities of the local communities;
- 3) The Agency, in collaboration with the relevant Ministries and Agencies define and designate communal forests and establish guidelines for management and use in accordance with subsection (1) of this section
- 4) The guidelines issued and measures prescribed pursuant to subsection (1) shall take into account the following:
  - a) forest land as sink for greenhouse gases to prevent ozone depletion;
  - b) rain forests, forests in protected areas, including forest reserves, national parks and game reserves;
  - c) wildlife in forest areas;
  - d) forests on land subject to interest held by private persons;
  - e) communal forests use and management;
  - f) traditional use of forests and specific plant species which are indispensable to the local community; and
  - g) Efficacy of setting aside a percentage of the forest land to conserve biological diversity.
- 5) The commercial or industrial exploitation of forest shall be carried out in accordance with the principle of sustainable use;

- 6) Pursuant to subsection (4), forest utilization agreements shall incorporate measures for rehabilitation and restoration requirements for:
  - a) Afforestation and reforestation;
  - b) Deposit bonds paid before the issuance of the exploitation licenses to ensure compliance with any conditions or performance of obligations for rehabilitation and restoration;
  - c) Involvement of the community in rehabilitation and restoration measures;
  - d) Any other measures and economic instruments that the Agency may in consultation with Line Ministry consider necessary.
- 7) Notwithstanding the provisions of subsection (1), (3) and (4), the Agency may in consultation with the relevant Line Ministries, expressly exclude human activities in any forest areas by declaring a forest areas a specially protected forest areas;
- 8) Any person who contravenes the provisions of subsection (6) commits an offence and on conviction is liable to a fine not exceeding 50,000 US DOLLARS or imprisonment for a period not exceeding 20 years or to both.

#### **Section 78**

##### **Re-Forestation and Afforestation**

- 1) Every County Environment Committee shall prepare a County Environment action Plan, which shall specify the areas identified in accordance with this Law which should be targeted for afforestation or reforestation;
- 2) The Agency shall ensure, through the Line Ministries, the availability of the products of plants nursery for the plantation of trees for the District Environmental Committees;
- 3) Every District Environment Committee shall, through encouraging voluntary self-help in their respective communities take measures to plant trees and other vegetation in areas specified under subsection (1) which are within its area of jurisdiction and not subject to any personal interest in land;
- 4) Where the areas specified under subsection (2) are subject to any personal interest in land, the holder of that interest shall take measures to plant trees and other vegetation in those areas;
- 5) Where a person who has an interest in land fails to comply with the provisions of this section, the District Environment Committee shall determine measures to ensure compliance.

#### **Section 79**

##### **Protection of Natural Environmental Areas**

- 1) The Agency may, in consultation with the relevant line Ministry, declare by published notice, any area of land, river, lake, wetland or coastal zone as a protected natural environment for the purposes of promoting and preserving specific ecological processes, natural environmental systems, natural beauty or places of indigenous wildlife or the preservation of biological diversity in general;

- 2) The Agency shall, in consultation with the relevant Line Ministry, issue guidelines and prescribe measures for the management and protection of natural environmental areas. Every County Environment Committee with the assistance of the District Environment Committee shall ensure that the guidelines issued and measures prescribed under this section are implemented especially through voluntary self help activities of the District communities.

## **Section 80**

### **Protection of Wild Animals and Birds**

- 1) All wild animals and birds and in particular, rare, threatened and endangered species and their habitats shall be preserved and protected in accordance with the guidelines and recommendations made by the Agency after consultation with the Line Ministry;
- 2) The measures prescribed shall include the declaration by legislature of the wildlife conservation areas:
  - a) Before the declaration carryout an environmental impact study in accordance with Part III of this Law;
  - b) Investigate and make a report on the social and ecological consequences of the declaration.
- 3) A declaration under subsection (1) shall state:
  - a) Whether the wildlife conservation areas are to be wildlife protected area or wildlife management area;
  - b) The name and detailed boundary description of the protected area under this section.
- 4) A wildlife protected area shall be:
  - a) a national park;
  - b) a wildlife reserve;
  - c) nature reserve
  - d) any other area as the Line Ministry may declare a wildlife protected area.
- 5) A wildlife management area shall be:
  - a) a wildlife sanctuary;
  - b) a community wildlife area;
  - c) any other area as the Line Ministry may declare a wildlife management area.
- 6) The Agency shall prescribe conservation measures as are possible to ensure that communities and persons and wildlife co-exist in the wildlife management area and for wildlife to be protected;
- 7) The Agency shall prescribe such other measures as may be necessary for wildlife management.

## **Section 81**

### **Conservation to Energy and Use of Renewable Sources**

- 1) The Agency shall, in consultation with the relevant Line Ministry promote the use of renewable sources of energy by:
  - a) Promoting research in appropriate renewable sources of energy;
  - b) Creating economic incentives for the use and promotion of renewable sources of energy;
  - c) Promoting measures for the conservation of non-renewable sources of energy; and
  - d) Promoting the best practices for renewable energy production.

## **Section 82**

### **Protection of the Coastal Zone and Marine Environment**

- 1) The Agency shall in consultation with the relevant Ministries and Agencies issue guidelines and prescribe measures for the management and protection of the coastal zone and its resources;
- 2) The legislature may, on the advice of the Agency, declare an may by notice published:
  - a) Declare a coastal zone a protected area; and
  - b) Impose any restrictions, as it considers necessary for the protection of the coastal zone from environmental degradation.
- 3) The Agency shall, in consultation with the relevant ministries and maritime organizations prepare every three years, a survey of the coastal zone and prepare an integrated national coastal zone management plan based on the report of such survey;
- 4) The report of the survey of the coastal zone shall contain:
  - a) An inventory of all ports, harbors, structures, roads, excavations, out falls, reception facilities, dumping sites and other works located in the coastal zone;
  - b) A schedule of registration of flag state vessels and their compliance measures for prevention of pollution from ships;
  - c) An inventory of the state of the coral reefs, mangroves and marshes found within the coastal zone;
  - d) An inventory of all areas within the coastal zone of scenic value or of value for recreational and cultural purposes;
  - e) An inventory of areas within the coastal zone of special value for research in respect of fisheries, erosion, littorals movement and such other similar subjects;
  - f) An inventory of marine fisheries, turtles and whales, their harvesting and licensing;

- g) An estimate of the quantities of minerals, sand, coral sea shells and other substances being removed from the coastal zone;
  - h) An estimate of the impacts of erosion on the coastal zone; and
  - i) An estimate of the extent, nature, cause and sources of coastal pollution and degradation;
  - j) An estimate of freshwater resources available in the coastal zone; and
  - k) Any other relevant data or information that may be deemed appropriate.
- 5) The first Report be produced three years following the effective date of this Law and shall be incorporated in the National Environmental Action Plan provided for in section 30 of this Agency Act:
- 6) The Agency shall with the consultation with the Line Ministry and maritime organization issue appropriate regulations to prevent, reduce and control pollution or other form of environmental damage and protect the marine environment from:
- a) Land based sources including rivers, estuaries, pipelines and outfall structures;
  - b) Vessels, aircraft's and other engines used in the coastal zone;
  - c) Installations and devices used in the exploration or exploitation of the natural resources of the seabed and subsoil of the exclusive economic zone; and
  - d) Sources in connection with seabed activities and from artificial islands installations and another structures in the exclusive economic zone.
- 7) Pursuant to subsection (4) no person shall in relation to a the coastal zone:
- a) use, erect, construct, place, alter, extend, remove or demolish any structure in on, under, or over the sea bed;
  - b) excavate, drill, tunnel or disturb the coastal zone and the sea bed or otherwise;
  - c) introduce or plant any part of a plant, plant specimen or organism whether alien or indigenous, dead or alive in the coastal zone;
  - d) introduce any animal or micro-organism whether alien or indigenous, dead or alive in a coastal zone;
  - e) deposit any substance in or under its bed, which is likely to have adverse environmental effects on coastal zone; and
  - f) divert or drain any lagoon.
- 8) Any person who contravenes the provisions of this section shall be guilty of an offence an liable upon conviction to a fine of not less than 20,000 US DOLLARS or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

## **PART VII - PROTECTION OF BIODIVERSITY, NATURAL HERITAGE AND THE OZONE LAYER**

### **Section 83**

#### **Conservation of Biological Diversity**

- 1) The Agency shall, in consultation with the relevant Line Ministry, issue guidelines and prescribe measures necessary for the conservation of biological diversity and in this respect the Agency shall:
  - a) Specify national strategies, plans and programmes for the conservation and sustainable use of biological diversity as part of the National Environmental Action Plan process;
  - b) Identify, prepare and maintain an inventory of biological diversity of Liberia;
  - c) Determine which components of biological resources are endangered, rare or threatened with extinction;
  - d) Integrate conservation and sustainable utilization ethic in relation to biological diversity in existing State activities and activities of private persons;
  - e) Set out codes of general practice to ensure respect and encouragement of the diverse cultural and aesthetic values and sacred knowledge and interests of the communities in biodiversity;
  - f) Protect and integrate to the extent practicable effective indigenous knowledge and practices of District communities in respect of biological diversity conservation;
  - g) Measure the value of unexploited natural resources in terms of watershed protection and influences on climate and other potential genetic value;
  - h) Collect disaggregated data on the roles of women and youth in the conservation of biological resources and the impact of natural resource policies on women and youth; and promote the allocation resources and capacity building in support of their effective contribution to biological conservation.

## **Section 84**

### **Conservation of Biological Resources In-situ**

- 1) The Agency shall, in consultation with the relevant Line Ministry issue guidelines and prescribe measures to ensure the conservation of biological resources in situ for:
  - a) Land use methods that are compatible with the conservation of biological diversity;
  - b) The selection and management of protected areas so as to promote the conservation of the various terrestrial and aquatic ecosystems of Liberia;
  - c) The selection and management of buffer zones near protected areas;
  - d) Special measures for protection of species, ecosystems, and habitats are threatened with extinction;
  - e) Prohibiting or controlling of the introduction of alien species;
  - f) Integrating traditional knowledge for the conservation of biological diversity with mainstream scientific knowledge.
- 2) In this section "in situ" means conservation within the natural ecosystems and habitat of the biological organism.

## **Section 85**

### **Conservation of Biological Resources Ex-situ**

- 1) The Agency shall, in consultation with the relevant Line Ministry:
  - a) Prescribe measures for the conservation of biological diversity ex-situ especially for species threatened with extinction;
  - b) Issue guidelines for the management of:
    - i. germplasm banks;
    - ii. botanical gardens;
    - iii. zoos or aquaria;
    - iv. animal orphanages;
    - v. game parks, and
    - vi. any other facilities which the Agency may consider necessary;
  - c) Ensure that species threatened with extinction which are conserved ex-situ are re-introduced into their native habits and ecosystems where:
    - i. the threat to the species has been terminated; or
    - ii. a viable population of the threatened species has been achieved.
- 2) In this section, "ex-situ" means conservation outside the natural habitat of the biological organisms.

## Section 86

### Access to Genetic Resources of Liberia

- 1) The Agency shall, in consultation with the relevant Line Ministry, initiate legislative proposals, issue guidelines and prescribe measures for the sustainable management and utilization of genetic resources of Liberia for the benefit of the people of Liberia for access to genetic resources which shall include measures:
  - a) for appropriate arrangements for access to genetic resources by non-citizens or non-residents of Liberia and fees to be charged for that access;
  - b) to ensure that prior informed consent of communities is obtained and is an essential component for any arrangement in bio-prospecting;
  - c) to ensure effective equitable sharing of benefits, sustainable business mechanisms for the transfer of biotechnology;
  - d) protect indigenous property rights of District communities;
  - e) prohibit or restrict any trade or traffic in any component of biological diversity;
  - f) to provide for fees payable in respect of accessing the resources and the export therefore;
  - g) to provide guidelines for reviewing of genetic materials and patenting requirements for indigenous species;
  - h) for the collection characterization, evaluation and documentation of plant genetic resources for food, agricultural and medicinal purposes; and
  - i) any other matters that the Agency may consider necessary for the sound management of the genetic resources of Liberia.

## **Section 87**

### **Land Use Planning**

- 1) The Agency shall, in consultation with the relevant Line Ministry, issue environmental guidelines and prescribe environment protection measures for land use planning at the District, County and national level which shall include:
  - a) development and implementation of an integrated land use policy based on scientific soil classification;
  - b) rehabilitation of degraded land through application of appropriate technology and small conservation dam construction, grassing, tree planting, grazing, contouring and trenching;
  - c) adoption of planning and management systems that facilitate the integration of environmental components such as water forests, mountains and other natural resources;
  - d) strengthening or management systems for land and natural resources by including traditional and indigenous methods where appropriate;
  - e) development of policies that encourage compatible, mutually reinforcing land use and management of land resources, taking demographic issue and District interests into account;
  - f) enhancement of quality of land management through reform of land tenure procedures and provision of easily available agricultural facilities; and
  - g) any other thing which the Agency in consultation with the relevant Line Ministry may consider necessary.
- 2) The Agency and the relevant Line Ministry shall monitor the implementation of a land use plan prepared in accordance with this section.
- 3) Every County Environment Committee with the assistance of the District Environment Committees shall ensure that the guideline issued and measures prescribed under this section are implemented especially through voluntary self-help activities of the District communities.

## **Section 88**

### **Protection of Natural Heritage Sites**

- 1) The Agency shall, in consultation with the relevant Line Ministry:
  - a) Identify elements, objects and sites in the natural environment, which are of national importance to the people of Liberia; economically, culturally and environmentally;
  - b) In such manner as may be prescribed, maintain a register of all elements, objects and sites identified pursuant to paragraph (a); and
  - c) Issue guidelines and prescribe measures for the management and protection of cultural elements, objects and sites registered in accordance with this section.
- 2) Every County Environment Committee with the assistance of the District Environment Committees shall ensure that the guidelines issued and measures prescribed under this

section are implemented especially through voluntary self-help activities of the communities in the District.

## **Section 89**

### **Protection of the Ozone Layer**

- 1) The Agency shall, in consultation with the relevant Line Ministry:
  - a) undertake or commission other persons to undertake national studies and give due recognition to development in scientific knowledge relating to substances, activities and practices that deplete the stratospheric ozone layer and other components of the stratosphere to the detriment of public health and the environment;
  - b) issue guidelines, and institute programmes relating to:
    - i. the elimination of substances that deplete the ozone layer;
    - ii. controlling practices and activities likely to lead to the degradation of the ozone layer and the stratosphere; or
    - iii. reduction and minimization of risks to human health created by the degradation of the ozone layer and the stratosphere;
    - iv. formulate strategies, prepare and evaluate programmes for phasing out ozone depleting substances;
    - v. the conservation of Liberia rainforests as sink for greenhouse gases.

## **PART VIII - ENVIRONMENTAL RESTORATION ORDER**

### **Section 90**

#### **Environmental Restoration Order**

- 1) As required under section (38) of the Agency Act, the Agency shall issue to any person, in respect of any matter relating to the management of the environment and natural resources, an environmental restoration order for the following purposes:
  - a) to restore the environment or natural resources as near as it may be to the state in which it was before the taking of action which is the subject of the order;
  - b) restore land, including the replacement of soil, the replanting of trees and other flora and outstanding geological, archaeological or historical features of the land or the area contiguous to the land specified in the order;
  - c) take action to prevent the commencement or continuation of the cause of pollution;
  - d) prevent damage to the land or the environment, aquifers beneath the land and flora and fauna in, on, under or about the land or the environment contiguous to the land specified in the order;
  - e) remove or dispose of waste or refuse deposited on land specified in the order;
  - f) pay compensation specified in the order;

- g) levy a charge, or bond which represents a reasonable estimate of the cost of any action taken by an authorized person or organization to restore the environment to the state in which it was before the taking of the action which is the subject of the order.
- 2) An environmental restoration order shall have contain such terms or conditions and impose such obligations on the person on whom it is served as will in the opinion of the Agency enable the order to achieve all or any of the purposes for which it was issued;
- 3) An Environmental Inspector of the Agency shall have power to inspect, at any reasonable time, in accordance with section (21) of the Agency Act any activity on any premises for purposes of determining whether the activity is harmful to the environment of the conservation of natural resources or whether to make an environmental restoration order under subsection (1);
- 4) An purposes of subsection (3), an Environmental Inspector of the Agency may enter any premises at any reasonable time to enforce the environmental restoration order;
- 5) An Environmental Inspect of the Agency shall not be responsible for the consequences of any action reasonably taken by him in good faith under this section;
- 6) Subject to the above provisions and the functions of an Environmental Inspector, the Agency may delegate the power referred to in subsection (5) and (6) to any public officer or person only authorized in writing and anything done by that person shall be deemed to be an action of the Agency and shall be valid for all purposes.

## **Section 91**

### **Service of Environmental Restoration Order**

- 1) Where it appears to the Agency that harm has been or is likely to be caused to the environment by any person's activity, it may serve on that person an order requiring that person to take action within 21 days of the service of the order, to remedy or prevent the harm to the environment as may be specified in the order;
- 2) An environmental restoration order shall specify clearly and in a manner that may be precisely understood:
  - a) the activity to which it relates;
  - b) the person to whom it is addressed;
  - c) the action which must be taken to remedy the harm to the environment;
  - d) the period within which the action must be taken;
  - e) the powers of the Agency to have any of its Environmental Inspectors to enter any land and undertake the action specified;
  - f) the penalties which may be imposed if the action specified in the order;
  - g) the right of the person served with an environmental restoration order to appeal to the Environmental Court against that order.

- 3) The Environmental Inspector shall inspect an activity to determine whether that activity is harmful to the environment or human health, and the Agency shall take into account the evidence of the inspection in determining whether or not to serve an environmental restoration order;
- 4) The Agency shall seek and take into account technical, professional and scientific advice, which it considers to be desirable for a satisfactory decision to be made on an environmental restoration order;
- 5) An environmental restoration order shall continue to apply to the activity in respect of which conditions of the environmental restoration order served on him;
- 6) A person served with an environmental restoration order shall with all terms and conditions of the environmental restoration order served on him;
- 7) It shall not be necessary for the Agency or its Environmental Inspectors, in exercising its under subsection (3), to give any person who is involved in an activity which is the subject of the inspection or residing or working on or developing land on which the activity, which is the subject of the inspection, is taking place, an opportunity of being heard by making representation to the inspector.

## **Section 92**

### **Reconsideration of Restoration Order**

- 1) Within 21 days of the service of the environmental restoration order, a person who is served with an environmental restoration order may, by giving reasons in writing, request the Agency to reconsider that order;
- 2) Where a request has been made as provided for under subsection (1), the environmental restoration order shall continue to be effective until varied, suspended or withdrawn;
- 3) The Agency shall within 30 days of receiving the request made in accordance with subsection (1), reconsider the environmental restoration order and notify in writing the person who made the request of its decision on the environmental restoration order;
- 4) The Agency may, after reconsidering the case, confirm, vary, suspend or withdraw the environmental restoration order;
- 5) The Agency may give the person who has requested a reconsideration of an environmental restoration an opportunity to be heard orally before a decision is made.

## **Section 83**

### **Action by an Environmental Inspector of the Agency in Case of Non Compliance with an Environmental Restoration Order**

- 1) Where a person on whom an environmental restoration order is served fails, the owner of a facility causing harm to the environment, or his or her agent neglects or refuses to take the action required by the order, an Environmental Inspector of the Agency and other officers and agents as may be required in the circumstances, may enter any land or premises under the control of the person on whom the environmental restoration order

was served; and take all necessary action in respect of the activity to which that order relates so as to enforce that order and may be deemed fit;

- 2) Where the Agency exercised the power under subsection (1), it may recover as a civil debt, in the Environmental Court from the persons referred to in subsection (1), the expenses necessarily incurred by the Agency in the exercise of its power.

#### **Section 94**

##### **Issue of Environmental Restoration Order by the Court**

Without prejudice to the powers of the Agency under sections (93) and (94) the Court may in proceedings brought by any other person, issue an environmental restoration order against a person whose activities have caused harm or are causing harm or are likely to cause harm to the environment.

### **PART IX-INSPECTION, ANALYSIS AND RECORDS**

#### **Section 95**

##### **Powers and Duties of Environmental Inspectors**

- 1) In fulfillment of the requirement under section (21) (2) of the Agency Act, an environmental inspector may, in the performance of his duties under this Law or any regulations made under this Law, at all reasonable times and without warrant:
  - a) enter any land, premises, vessel or vehicle to determine whether the provisions of this Law are being complied with;
  - b) require the production of, inspect, examine and copy licenses, registers, records and any other document relating to this Law or any other law relating to the environment and the management of natural resources;
  - c) take samples in the form and manner prescribed by the Agency, or any articles and materials to which this Law relates and submit them for tests and analysis;
  - d) carry out periodic inspections of all establishments and undertakings within such District limits of jurisdiction which manufacture, produce as by-products, import, export, store, sell, distribute, or use any substances and materials that are likely to have significant impact on the environment to ensure that the provisions of this Law are complied with;
  - e) make examinations and inquiries so as to discover whether the provisions of this Law are being complied with;
  - f) carry out such other inspections as may be necessary to ensure that the provisions of this Law are complied with;

- g) issue an improvement notice requiring the owner or operator of any manufacturing plant, undertaking or establishment which pollutes or is likely to pollute the environment to take appropriate remedial measures including the installation of new plant or machinery, where necessary;
  - h) close any manufacturing plant, establishment or other activity which pollutes or is likely to pollute the environment contrary to the provisions of this Law;
  - i) require the owner or operator of the manufacturing plant, establishment or other activity referred to in paragraph (h) to implement remedial measures that the environmental inspector may, in the notice closing down that manufacturing plant undertaking or establishment, direct;
  - j) issue an improvement notice requiring the operator of a manufacturing plant, undertaking or establishment to cease activities deleterious to the environment;
  - k) seize any plant, equipment, vessel, vehicle, manufacturing plant, substance or any other thing which he believes has been used in the commission of an offence against this Law or the regulations made under this Law; or
  - l) cause a Police officer to arrest a person whom he reasonably believes has committed an offence under this Law.
- 2) The Agency may, for purposes of enabling environmental inspectors to monitor compliance with the provisions of this Law or the regulations made under this Law, install equipment on any land, premises, manufacturing plant, vehicle or vessel;
  - 3) Any person who tampers with the equipment installed by the environmental inspector, or otherwise interferes with the inspector's duties under this section commits an offence and is liable on conviction of a fine not exceeding 5,000 US DOLLARS or imprisonment for a period not exceeding one year or to both.
  - 4) The environmental inspector shall, in exercising his powers under this Law or the regulations made under this Law, suitably identify himself to a person who owns or operates a manufacturing plant, undertaking or establishment operating contrary to the provisions of this Law.

## **Section 96**

### **Designation of Analytical Laboratories, Analysts and Reference Analysts**

The Agency may by published notice designate:

- a) laboratories as it deems necessary and fit, to be analytical laboratories and reference laboratories for the purposes of this Law and shall specify; and

- b) the notice shall specify who shall serve as analysts or reference analysts for the purposes of this Law.

## **Section 97**

### **Certificate of Analysis**

- 1) A laboratory designated as an analytical or reference laboratory under this Law shall issue a certificate of analysis on a substance submitted to it pursuant to this Law;
- 2) The certificate of analysis shall state the methods of analysis followed and be signed by the analyst or reference analyst;
- 3) A certificate issued pursuant to subsection (1) shall be sufficient evidence of the facts stated in the certification commits an offence and is liable on conviction to a fine not exceeding 5,000 US DOLLARS or imprisonment for a period not exceeding one year or to both.

## **PART X - INTERNATIONAL OBLIGATIONS**

### **Section 98**

#### **Harmonization of Regional Environmental Agreements**

- 1) The Agency shall advise the State on the harmonization of regional environmental agreements;
- 2) The Agency shall enter into consultation with other State Agencies in the region and develop Action Plans for the co-operation and harmonization of the management of shared natural resources.

### **Section 99**

#### **International Environmental Conventions and Treaties on the Environment**

- 1) Where Liberia is a party to an international or regional convention or agreement, concerning the management of the environment or natural resources, the Agency shall, in consultation with the relevant Line Ministry:
  - a) initiate and prepare legislative proposals for consideration by the relevant Ministry for purposes of implementing those international or regional conventions or agreements;
  - b) identify appropriate measure necessary for the implementation of conventions or agreements;
  - c) propose the amendment of any enactment other than the Constitution for the purpose of giving effect to the Convention or Treaty;

- 2) This section applies to any Convention or Treaty whether adopted before or after the coming into force of this Law and Whether Liberia became a Party to it after the coming into force of this Law;
- 3) The Agency, as the national clearinghouse of all environment-related regional and international conventions and agreements, shall coordinate activities related to these instruments in Line Ministries, State agencies and non-governmental organizations, and shall establish procedures for collecting implementation reports from these focal points;
- 4) The Agency shall make recommendations regarding the ratification of regional and international environmental conventions, treatise and protocols, which it deems necessary for the protection of the environment and natural resources of Liberia;
- 5) The Agency shall keep a register of all-international conventions or agreements concerning the management of the environment or natural resources to which Liberia is a party.

## **PART XI - INFORMATION, ACCESS, EDUCATION AND PUBLIC AWARENESS**

### **Section 100**

#### **The Agency to Collect, Analyze and Disseminate Environmental Information**

- 1) The Agency shall:
  - a) gather information on the environment and natural resources on the existing data;
  - b) have access to any data on the environment and natural resources;
  - c) analyze information relating to the environment and natural resources;
  - d) disseminate information to public and private users;
  - e) carry out public information and education campaigns in the field of environment;
  - f) exchange information relating to environment with non-state organizations or any other regional and international organizations;
  - g) advise the Council and Line Ministries on existing information gaps and needs; or
  - h) establish in consultation with Line Ministries, guidelines and principle for the gathering, processing and dissemination of environmental information;
  - i) co-ordinate the management of environmental information with the Line Ministry.
- 2) In carrying out its functions under this Section, the Agency shall work with the County Environment Committees with the assistance of the District Environment Committees.

### **Section 101**

#### **Access to Environmental Information**

To enable public participation, there shall be freedom of access to environmental information:

- 1) Any person who desires to obtain information relating to the implementation of this Act or any other information concerning the development and management of the environment and natural resources in accordance with this Law shall have freedom of access to that information;
- 2) A person requesting to obtain the information shall apply to the Agency in a prescribed form indicating the type of information required and may pay a minimal fee which may be prescribed by the Agency;
- 3) Freedom of access to information;
  - a) does not extend to proprietary information, which upon application by proprietor for protection shall be treated by the Agency as confidential;
  - b) and provided that the application for protection does not relate to such information as emission data and does not otherwise defeat the principles and objective of this Law.
- 4) A person requesting to obtain the information shall apply to the Agency in a prescribed form indicating the type of information required and may pay a minimal or reasonable fee which may be prescribed by the Agency;
- 5) For the purposes of facilitating public participation and access to information relating to the management of the environment and the state of natural resources, the Agency shall establish and operate a Public Registry within its Offices;
- 6) In addition to a Public Registry within its offices; the Agency may establish and operate County Public Registries and Libraries within its offices at the County;
- 7) The public registry shall contain all records and information produced, collected, or submitted in accordance with the requirements of this Law;
- 8) Notwithstanding any law or regulations of Liberia, no civil or criminal proceedings shall lie against the Agency and Line Ministries, or its officers or any person acting on behalf of or under the direction of the Agency or Ministry, for the disclosure of any record pursuant of this Law.

## **Section 102**

### **Environmental Education**

The Agency shall, in consultation with the Ministry of Education take appropriate measures for the integration in schools, colleges and university curricula of environment education.

## **Section 103**

### **State of the Environment Report**

- 1) The Agency shall every 5 years publish the Report on the State of the Environment of Liberia;
- 2) The Report shall in addition to other matters as may be prescribed, specify the main activities of the Agency and Line Ministries regarding the protection of the environment;
- 3) The Report shall take into account the plans and activities of the County and District Committees established under this Law;
- 4) The Agency may, publish any other information it considers necessary for information and public education on the environment.

#### **Section 104**

##### **Record Keeping**

- 1) The Agency may by published notice prescribe the activities for which records shall be kept by owners of premises and operators for the purposes of this Law, the contents of those records and the manner in which they shall be kept;
- 2) The records kept in accordance with subsection (1) or any other records kept, for purposes of this Law, at the site of an establishment of undertaking shall be made available to the Agency or an environment inspector for the purposes of:
  - a) an environmental audit;
  - b) environmental monitoring;
  - c) pollution control;
  - d) inspection;
  - e) any other purpose that may be prescribed by the Agency.
- 3) The records kept pursuant to this section and any other records kept for purposes of this Act or the regulation made under this Law may be copied and transmitted to the Agency may be determined;
- 4) The Agency shall keep all records transmitted to it as public records and any person may on the application to the Agency, be granted access to the said records on the payment of a minimal fee prescribed by the Agency.

#### **PART XII - OFFENCES**

##### **Section 105**

##### **Offences Relating to Environmental Impact Assessment**

Any person who:

- a) fails to publish a notice of intent; in accordance with section (7);
- b) fails to submit a project brief in accordance with section (8);
- c) fails to conduct a scoping process in accordance with section (11);

- d) fails to prepare an environmental impact statement contrary to section (13) and/or section (14);
- e) fails to prepare an environmental mitigation and implementation strategy in accordance with section (15);
- f) fraudulently makes a false statement on an environmental impact statement, study report or any other documents submitted in relation to the environment impact assessment requirement under this Law commits an offence and is liable on conviction, to imprisonment for a period not exceeding 10 years or to a fine not exceeding 25,000 US DOLLARS or to both.

## **Section 106**

### **Offences Relating to Records**

Any person who:

- a) fails to keep records required to be kept by this Law;
- b) fraudulently alters any records kept under this Law;
- c) fraudulently makes false statements in any records kept under this Law, commits an offence and is liable on conviction to imprisonment for a period not exceeding 5 years or to a fine not exceeding 10,000 US DOLLARS or to both.

## **Section 107**

### **Offences Relating to Restoration Orders**

Any person who fails or refuses to comply with the environmental restoration order made under the order commits an offence and is liable on conviction to imprisonment for a period not exceeding 10 years or to a fine not exceeding 25,000 US DOLLARS or to both.

## **Section 108**

### **Liability of Bodies Corporate and Partnerships**

- 1) Where an offence is committed under this Law or regulation made under it by a body of persons:
  - a) in the case of body corporate every director or an officer of the body directly and substantially liable shall also be deemed to be guilty of the offence; and
  - b) in the case of a partnership every partner or officer of that body directly and substantially liable shall be deemed to be guilty of that offence.
- 2) a person shall be directly and substantially liable for an offence under this section whether the act is committed by an agent or servant of the body corporate or partnership;
- 3) an employer shall be liable for the offences committed by an employee, unless he proves that the offence was committed against express or standing directions

- 4) it shall be a defense for the person deemed liable for the commission of an offence by virtue of subsection (1) if he proves that he exercised all due care and diligence or prevent the commission of the offence having regard to all the circumstances.

## **Section 109**

### **Forfeiture, Cancellation, Community Service and Other Orders**

- 1) The Court, before which a person is prosecuted for an offence against this Law or any regulations made there under, may, in addition to any other order:
  - a) upon the conviction of the accused; or
  - b) if it is satisfied that an offence was committed notwithstanding that no person has been convicted of the offence.
- 2) Order that the substance, equipment and appliance used in the commission of the offence be forfeited to the Agency and be disposed of as the court directs;
- 3) In making an order under subsection (1), the court may also order that the cost of disposing of the substance, equipment and appliance referred to in subsection (1), be borne by the accused;
- 4) The Court may further order the cancellation of any license, permit or other authorization given under this Law and to which the offence relates;
- 5) The Court may, in addition to any fine it may impose upon an accused person, require him to do community work, which promotes the protection of the environment.
- 6) The Court may also issue an environmental restoration order against the accused in accordance with Part VIII of this Law.

## **PART XIII - MISCELLANEOUS**

### **Section 110**

#### **Regulations**

- 1) The Legislature may on the recommendations of the Agency and upon consultation with the Line Ministries, make regulations providing for matters that are required or permitted by this Law to give full effect to the purposes and objectives of this Law;
- 2) Regulations made under subsection (1) shall include:
  - a) The establishment of the Environmental Court;
  - b) Civil procedure for suits under section (5) of the Law;
  - c) Provide for the issue, amendment and revocation of any license issued under this Law;
  - d) Provide for fees and levies to be charged under this Law;

- e) Prescribe anything required or permitted to be prescribed under this Law;
- f) Provide for the protection of any particular species of fauna and flora; and
- g) Provide for any regulations may be made under this Law.

### **Section 111**

#### **Rules of Construction**

- 1) The provisions of this Law shall be liberally construed to promote the sustainable protection and management of the environment and natural resources of Liberia;
- 2) References to sections in this Law or to other laws of Liberia shall mean those sections or other laws as they shall be amended from time to time;
- 3) Unless the context otherwise requires, words importing the singular include plural and vice versa, and words importing gender or neuter include both genders and the neuter; and
- 4) The word "including" means including but not limited to the items listed as included.

### **Section 112**

#### **General Penalty**

Any person who commits an offence against any provision of this Law or regulations made there under for which no other penalty is specifically provided is liable to imprisonment for a tem not exceeding 10 years or to a fine not exceeding 25,000 US DOLLARS or to both.

### **Section 113**

#### **Consistency with other Laws**

Where any written law is inconsistent with any of the provisions of this Law the written law shall be invalid to the extent of the inconsistency.

### **Section 114**

#### **Severability**

If any provision of this Law or application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications and to this end the provisions of the law are severable.

### **Section 115**

#### **Transition**

- 1) In recognition of the comprehensiveness of this Law and the need for capacity building, a transition period may be required to phase the Law into full implementation; accordingly, the Agency shall have the duty and responsibility to establish a transition mechanism such as an inter-sectoral team, a consultant team or a combination of both, within three months after the effective date of this act, to assist in developing a transition plan with timelines for full implementation of the Law;

- 2) Notwithstanding subsection (1), this Law has the full force of law as of its effective date.

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## **ANNEX I (SECTION 6)**

### **PROJECTS/ACTIVITIES REQUIRING AN ENVIRONMENTAL IMPACT ASSESSMENT MANDATORY LIST**

#### **1) Agriculture**

- Cultivating natural and semi-natural not less than 50ha;
- Water management projects for agriculture (drainage, irrigation);
- Large scale mono-culture (cash and food crops)
- Pest control projects (i.e. tsetse, army worm, locusts, rodents weeds) etc;
- Fertilizer and nutrient management;
- Agricultural programmes necessitating the resettlement of communities;
- Introduction of new breeds of crops;
- Arial spraying

#### **2) Livestock and range Management**

- Large scale livestock movement
- Livestock market
- Introduction of new breeds of livestock
- Introduction of improved forage species
- Fencing
- Provision of public water supply (water points, wells)
- Ectoparasite management (cattle dips, area treatment)
- Intensive livestock rearing units
- Livestock routes

#### **3) Forestry Activities**

- Timber logging and processing
- Forest plantation and afforestation and introduction of new species
- Selective removal of single commercial tree species
- Pest management

#### **4) Fisheries Activities**

- Medium to large scale fisheries
- Artificial fisheries (aqua-culture for fish, algae, crustaceans, shrimps, lobster or crabs)
- Introduction of new species in water bodies

## 5) **Wildlife**

- Creation of national parks and game reserves
- Introduction of new species
- Wildlife catching and trading
- Hunting
- Wildlife ranching and farming
- Zoo and sanctuaries

## 6) **Tourism and Recreational Development**

- Construction of resort facilities or hotels along the shorelines of lakes, river, islands and oceans
- Hill top resort or hotel development
- Development of tourism or recreational facilities in protected and adjacent areas (national parks, marine parks, forestry reserves etc.) on islands and in surrounding waters
- Hunting and capturing
- Camping activities, walk ways and trails etc
- Sporting and race tracts/sites
- Tour operations

## 7) **Energy Industry**

- Production and distribution of electricity, gas, steam and hot water
  - ◆ Storage of natural gas
  - ◆ Thermal power development (i.e. coal, nuclear)
  - ◆ Hydro-electric power - electric power
  - ◆ Bio-mass power development
  - ◆ Wind-mills power development
- Solar (i.e. impact due to pollution during manufacture of solar devices, acid battery spillage and improper disposal of batteries).
- Nuclear energy

## 8) **Petroleum Industry**

- Oil and gas exploration and development, including seismic survey
- Construction of offshore and onshore pipelines
- Construction of oil and gas separation, processing, handling and storage facilities
- Construction of oil refineries
- Construction of product depots for the storage of petrol, gas, diesel, tar and other products within commercial, industrial or residential areas
- Transportation of petroleum products

## **9) Food and Beverage Industries**

- Manufacture of vegetable and animal oils and fats
- Oil refinery and ginneries
- Processing and conserving of meat
- Manufacture of dairy products
- Brewing distilling and malting
- Fish meal factories
- Slaughter-houses
- Soft drinks
- Tobacco processing
- Canned fruits and sources
- Sugar factories
- Other agro-processing industries

## **10) Textile Industry**

- Cotton and synthetic fibers
- Dye for cloth
- Ginneries

## **11) Leather Industry**

- Tanning
- Tanneries
- Dressing factories
- Other cloth factories

## **12) Wood, pulp and paper industries**

- Manufacture veneer and plywood
- Manufacture of fibre board and of particle - board
- Manufacture of pulp, paper, sand-board, cellulose-mills

## **13) Building and Civil Engineering Industries**

- Industrial and housing estate
- Major urban projects (multi-storage building, motor terminals, markets etc)
- Tourist installation
- Construction and expansion/upgrading of roads, harbours, ship yards, fishing harbours, air fields and ports, railways and pipelines
- River drainage and flood control works
- Hydro-electric and irrigation dams
- Reservoir

- Storage of scrap metal
- Military installations
- Construction and expansion of fishing harbours
- Developments on beach fronts

#### **14) Chemical Industries**

- Manufacture, transportation, use and storage of pesticide or other hazardous and or toxic chemicals
- Production of pharmaceutical products
- Storage facilities for petroleum, petrochemical and other chemical products (i.e. filling stations)
- Production of paints, vanishes, etc.

#### **15) Extractive Industries**

- Extraction of petroleum
- Extraction and purification of natural gas
- Other deep drilling - bore-holes and wells
- Mining
- Quarrying
- Coal mining
- Sand dredging

#### **16) Non-metallic Industries (products)**

- Manufacture of cement, asbestos, glass,-fibre, glass-wood
- Processing of rubber
- Plastic industry
- Lime manufacturing, tiles, ceramics

#### **17) Metal and Engineering Industries**

- Manufacture and assembly of motor-vehicles
- Manufacture of other means of transport (trailers, motor-cycles, motor-vehicle, bicycles-cycles)
- Body-building
- Boiler-making and manufacture of reservoirs, tanks and other sheet containers
- Foundry and forging
- Manufacture of non-ferrous products
- Iron and steel
- Electroplating

## **18) Waste Treatment and Disposal**

### **a) Toxic and Hazardous Waste**

- Construction of Incineration plants
- Construction of recovery plant (off-site)
- Construction of waste water treatment plant (off-site)
- Construction of secure land fills facility
- Construction of storage facility (off-site)
- Collection of transportation of waste

### **b) Municipal Solid Waste**

- Construction of incineration of plant
- Construction of composting plant
- Construction of recovery/re-cycling plant
- Construction of municipal solid waste landfill facility
- Construction of waste depots
- Collection of transportation

### **c) Municipal Sewage**

- Construction of waste water treatment plant
- Construction of marine out fall
- High soil collection transport and treatment
- Construction of sewage system

## **19) Water Supply**

- Canalization of water courses
- Diversion of normal flow of water
- Water transfer scheme and reservoirs
- Abstraction or utilization of ground and surface water for bulk supply
- Water treatment plants

## **20) Health Projects**

- Vector control projects (malaria, bilharzias, trypanosomes etc)

## **21) Land Reclamation and Land Development**

- Rehabilitation of degraded lands
- Coastal and land reclamation
- Dredging of bars, greyones, dykes, estuaries etc.
- Spoil disposal

## **22) Multi-sectoral Projects**

- Agro-forestry
  - Dispersed field-tree inter-cropping
  - Alley cropping
  - Living fences and other linear planting
  - Windbreak/shelter belts
- Integrated conservation and development programmes e.g. protected areas
- Integrated Pest Management (e.g. IPM)
- Diverse construction-public health facilities schools, storage building, tree nurseries, facilities for ecotourism and field research in protected areas, enclosed latrines, small enterprise, logging mills, manufacturing furniture carpentry shop, access road, well digging, camps, dams, reservoirs
- River basin development and watershed management projects
- Food aid, humanitarian relief

## **23) Trade: Importation and Exportation of the following**

- Hazardous chemicals/waste
- Plastics
- Petroleum products
- Vehicles
- Used materials
- Wildlife and wildlife products
- Food
- Beverages

## **24) Urban and Rural Development including**

- a) designation of new urban areas;
- b) establishment of industrial estates;
- c) establishment or expansion of recreational areas;
- d) establishment or expansion of recreational areas in mountain areas, national parks and game reserves;
- e) rezoning;
- f) shopping centers and complexes;
- g) hotels and other tourist facilities;
- h) buildings with a total floor space of 500m or more;
- i) declaration of development areas; and
- j) other infrastructure (both urban and rural).

## **25) Policies and Programmes**

- Decisions of policies and programmes and legislative acts on environment and development;
- Decisions to change designated status;
- Family planning;
- Technical assistance
- Urban assistance;
- Urban and rural land use development plans (e.g. master plans, etc.)

## **26) General**

- a) any activity out of character with its surroundings;
- b) any structure of a scale not in keeping with its surroundings;
- c) major changes in land use

## **Amendment of ANNEX I**

The Legislature may, on the recommendation of the Agency and by notice published, amend ANNEX V to this Law.