



NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (ESTABLISHMENT) ACT 2006 AS AMENDED 2006 ACT NO.15

National Assembly of the Federal Republic of Nigeria

Simplified Summary

Curated by Clean Technology Hub



Clean Tech Incubation &
Acceleration Foundation
Energy Innovation Center



EXECUTIVE SUMMARY	
The Act establishes the National Oil Spill Detection and Response Agency (NOSDRA), the Federal Agency with the statutory responsibility for preparedness, detection and response to all oil spills in Nigeria. This guide provides a summary of the Act and highlights the objectives and functions of the Agency, the composition of the National Oil Spill Response Governing Board, the National Control and Response Centre, offences and penalties, and the current implementation status.	
CONTEXT	
The National Oil Spill Detection and Response Agency (NOSDRA) was instituted by the National Assembly of the Federal Republic of Nigeria by an Act in 2006 to oversee the implementation of the National Oil Spill Contingency Plan and ensure compliance to the International Convention on Oil Pollution Preparedness, Response and Cooperation.	
LEGAL FOUNDATION	
The legal foundation of this regulation is based on the power conferred on the National Assembly of the Federal Republic of Nigeria by the 1999 Nigerian Constitution to enact laws for the governing of the country.	
OBJECTIVE OF THE ACT	
To establish an Agency to be known as the National Oil Spill Detection and Response Agency with responsibility for preparedness, detection and response to all oil spillages in Nigeria	
KEY PROVISIONS	
Objectives of the Agency	Functions of the Agency
<p>The primary objectives of the Agency is to monitor, regulate Tiers 1 and 2 oil spills as well as coordinate, implement and review the National Oil Spill Contingency Plan for Nigeria other objectives include:</p> <ul style="list-style-type: none"> Establish a viable national operational organization that will ensure a safe, timely, effective and appropriate response to all oil pollution as well as hazardous and noxious substances in the petroleum sector Identify high-risk areas as well as priority areas for protection and clean-up 	<ul style="list-style-type: none"> Responsible for surveillance and ensure compliance with all existing environmental legislation in the petroleum sector Enforce compliance with the provisions of international agreements, protocols, conventions and treaties relating to oil and gas and oil spill response management Receive reports of oil spillages and co-ordinate oil spill response activities throughout Nigeria



- | | |
|---|--|
| <ul style="list-style-type: none">• Maximize the effective use of the available facilities and resources of corporate bodies, their international connections and the Clean Nigeria Associates (CAN) in implementing appropriate spill response• Ensure funding and sufficient pre-positioned pollution combating equipment and materials, as well as functional communication network system required for effective response to major oil pollution• Provide a program of activation, training and drill exercises to readiness to oil pollution preparedness and response and the management and operational personnel• Cooperate and provide advisory services, technical support and equipment for purposes of responding to major oil pollution incident in the West African sub-region upon request by any neighbouring country• Provide support for research and development in the local development of methods, materials and equipment for oil spill detection and response• Cooperate with the International Maritime Organisation and other national, regional and international organisations in the promotion and exchange of results of research and development programme relating to the enhancement of the state of the art of the oil pollution preparedness and response | <ul style="list-style-type: none">• Coordinate the implementation of the Plan as may be formulated from time to time by the Federal Government• Ensure that all oil industry operators in Nigeria subscribe to and be bonafide members of Clean Nigeria Associates (CNA) or any other similar association |
|---|--|



<ul style="list-style-type: none"> • Establish agreements with neighboring countries regarding the rapid movement of equipment, personnel and supplies into and out of the countries for emergency oil spill response activities • Determine and preposition vital combat equipment at most strategic areas for rapid response • Establish procedures by which the Nigeria Customs Service and the Nigerian Immigration Service shall ensure rapid importation of extract support response equipment and personnel • Develop and implement an appropriate audit system for the entire plan 	
Composition of the National Oil Spill Response Governing Board	Tenure of Office for Governing Board
<ul style="list-style-type: none"> • A Chairman • One representative each of the following Federal Ministries below the rank of Director – Environment, Energy, Defence, Transportation, National Emergency Management Agency, Oil Producers’ Trade Section of Lagos Chambers of Commerce (OPTS) • The Director-General of the Agency shall be a Member/Secretary to the Governing board • The Chairman and other members of the Governing Board shall be appointed by the President on the recommendation of the Minister of Environment 	<ul style="list-style-type: none"> • The Chairman and members of the Governing Board shall each hold office for a period of four years and may be re-appointed for a further term of four years • A member may resign his membership by notice in writing addressed to the President through the Minister of Environment and on the date of the receipt of the notice by the President, cease to be a member



Cessation of Membership		Director –General and Other Staff of the Agency	
<ul style="list-style-type: none">• A member may at any time be removed by the President for inability to discharge the functions of this office whether arising from infirmity of mind or body, for misconduct, or if the President is satisfied that it is not in the interest of the Agency or public for that member to continue in office• Where a vacancy occurs in the membership of the Governing Board, it shall be filled by the appointment of a successor to hold office for the remainder of the term of office of his predecessor. However, that successor shall represent the same interest as his predecessor and be appointed by the President on the recommendation of the Minister of Environment		<ul style="list-style-type: none">• The Director-General of the Agency will be appointed by the President on the recommendation of the Minister of Environment• The Director-General is the Chief Executive and Accounting Officer of the Agency and is responsible for the policy and the day to day administration of the affairs of the Agency• Have a minimum of 10 years cognate experience on Environmental matters• Hold office for a term of 4 years in the first instance and may be re-appointed for a further term of 4 years.	
Establishment of National Control and Response Centre			
<ul style="list-style-type: none">• Act as a report processing and response coordinating centre for all oil spillage incidents in Nigeria• Receive all reports of oil spillages from the zonal offices and control units of the Agency• Serve as the command and control centre for compliance monitoring of all existing legislation on environmental control, surveillance for oil spill detection and monitoring and coordinating responses required in plan activations• The Centre shall be headed by a designated officer of the Agency and the head will report to the Director-General of the Agency on all activities			



OTHER KEY PROVISIONS		
Sources of the Agency's Fund	Annual Reports	Power to Borrow
<ul style="list-style-type: none"> Take off grant from the Federal Government 	<p>The Agency shall prepare and submit through the Minister of Environment to the Federal Executive Council, not later</p>	<ul style="list-style-type: none"> The Agency may borrow by way of overdraft or otherwise such
<ul style="list-style-type: none"> Annual subvention from the Federal Government 5 percent of the ecological fund 0.5 percent operations funds of oil companies Periodic counterpart funding from a State or Local Government Loans and grants – in aid from national, bilateral and multilateral agencies Rents, fees and other internally generated revenues from services provided by the Agency All other sums accruing to the Agency from time to time 	<p>than six months after the end of each year, a report on the activities of the Agency in the immediate preceding year including a copy of the audited account for the year</p>	<p>sums as it may require for the performance of its activities</p> <ul style="list-style-type: none"> The Agency cannot, without the approval of the Governing Board, borrow money which exceeds at any time the amount set by the Minister Where the sum to be borrowed is in foreign currency, the Agency cannot borrow the sum without the prior approval of the Minister of Environment



Oil Spill Interventions	Regulations Formulation Power	Power to Enter Premise
<p>The Agency shall act as the lead Agency for all matters relating to oil spills response management and liaise with other Agencies for the implementation plan and in the event of a major or disastrous oil spill, in collaboration with other Agencies co-opt, undertake and supervise the following activities:</p> <ul style="list-style-type: none"> Inspect oil and gas facilities with a view to ensuring full compliance with existing 	<p>The Agency has the power to make regulations setting specifications and standards relating to the use of dispersant, engagement or invitation of any oil spill responder by oil companies, establishment of a benchmark for oil spill contingency planning, development of a framework to guide operators in oil spill contingency planning, and the most appropriate means of preventing and combating various oil spills and its attendant oil and gas pollution.</p>	<p>An officer of the Agency may, in the course of his duty, at any reasonable time and on the production of his certificate of designation carry out the following activities</p> <ul style="list-style-type: none"> Enter and search with or without a warrant issued, any premises including land, vehicle, tent, vessel, floating craft including Maritime Tankers, Barges of Floating Production, Storage, Offload (FPSO) and oil and gas
<p>environmental legislation on oil pollution</p> <ul style="list-style-type: none"> Assess the extent of damage to the ecology using baseline data and ESI maps Undertake a post-spill impact assessment to determine the extent and intensity of damage and long term effects Advise the Federal and State Governments on possible effects on the health of the people and ensure that 		<p>facilities or any inland waters and structure.</p> <ul style="list-style-type: none"> Examine any article found in these premises which is capable of being used to the detriment of the environment in the petroleum sector. Take a sample or specimen of this article Open and examine any container or package which may contain anything that could be used to the detriment of the



Oil Spill Interventions	Regulations Formulation Power	Power to Enter Premise
<p>appropriate remedial action is taken for the restoration and compensation of the environment</p> <ul style="list-style-type: none"> • Assist in mediating between affected communities and the oil spiller • Monitor the response effort during an emergency, with a view to ensuring full compliance with existing legislation • Expeditiously process and grant approval for any request made to it by an oil spiller for the use of approved dispersant or the application of any technology considered vital in ameliorating the effect of an oil spill. • Advice and guide the response efforts to ensure the protection of highly sensitive areas, habitats and the salvation of endangered or threatened wild life 		<p>environment or may be useful in oil spill investigations.</p> <ul style="list-style-type: none"> • Examine and make copies of any book, document or other records that may contain any information relevant to the enforcement of the Act • Seize and detain for such time as may be necessary, any articles which contravene provisions of the Act • Obtain an order of a court to suspend activities, seal and close down premises including land, vehicle, tent wellhead, vessel, floating craft and oil gas facilities or any inland waters and other structure whatsoever.



Article Seizure	Offences and Penalties
<ul style="list-style-type: none"> • A written receipt shall be given for any article or thing seized with reasons for such seizure stated • An article seized is to be kept or stored in such a place as the officer of the Agency may direct and will be returned to the owner or the person where it was seized if the article upon analysis or examination is found to conform to the requirements of the Act and other related regulations. • An article seized by an officer of the Agency may be submitted to an analyst for analysis or examination and the analyst upon making such analysis or examination shall issue a certificate or report in the prescribed form, setting the result of such analysis or examination and the officer of the Agency will, on-demand, deliver a copy of such a certificate or report to the owner of the article. 	<p>A person who obstructs an officer of the Agency in the performance of his duties under this Act is liable on conviction to a fine not less than N300, 000 for an individual or to imprisonment for a term exceeding 2 years or both, and an additional fine of N50, 000 for each day the offence subsists and in the case of a body corporate body, liable on conviction for a fine of N5, 000,000 and an additional fine of N50, 000 for each day the offence subsists.</p>
KEY SUPPORTING STAKEHOLDERS	
<ul style="list-style-type: none"> • The Nigerian Institute of Oceanography and Marine Research • Federal Ministry of Environment 	
<ul style="list-style-type: none"> • Advice and guide the response efforts to ensure the protection of highly sensitive areas, habitats and the salvation of endangered or threatened wild life 	



<ul style="list-style-type: none">● Monitor the clean-up operations to ensure full rehabilitation of the affected areas		
Article Seizure		Offences and Penalties
<ul style="list-style-type: none">● A written receipt shall be given for any article or thing seized with reasons for such seizure stated● An article seized is to be kept or stored in such a place as the officer of the Agency may direct and will be returned to the owner or the person where it was seized if the article upon analysis or examination is found to conform to the requirements of the Act and other related regulations.● An article seized by an officer of the Agency may be submitted to an analyst for analysis or examination and the analyst upon making such analysis or examination shall issue a certificate or report in the prescribed form, setting the result of such analysis or examination and the officer of the Agency will, on-demand, deliver a copy of such a certificate or report to the owner of the article.		A person who obstructs an officer of the Agency in the performance of his duties under this Act is liable on conviction to a fine not less than N300, 000 for an individual or to imprisonment for a term exceeding 2 years or both, and an additional fine of N50, 000 for each day the offence subsists and in the case of a body corporate body, liable on conviction for a fine of N5, 000,000 and an additional fine of N50, 000 for each day the offence subsists.
KEY SUPPORTING STAKEHOLDERS		
<ul style="list-style-type: none">● The Nigerian Institute of Oceanography and Marine Research● Federal Ministry of Environment		



- NESREA
- Federal Ministry of Works
- Federal Ministry of Petroleum Resources
- Federal Ministry of Transport
- Federal Ministry of Information
- Federal Ministry of Water Resources
- Federal Ministry of Agriculture and Rural Development
- The Federal Ministry of Communications
- The Federal Ministry of Aviation
- National Emergency Management Agency
- The Oil Producers Trade Section/Lagos Chamber of Commerce (OPTS)
- The Federal Ministry of Science and Technology
- The Federal Ministry of Defence
- The Nigerian Police Force (NPF)
- Host Communities
- Oil Companies
- Civil Society Organisations

RELATED REGULATORY AND POLICY DOCUMENTS

- Associated Gas Re-Injection Act
- Federal Environmental Protection Agency Act
- Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN)
- Petroleum (Drilling and Production) Regulations



IMPLEMENTATION STATUS

- In 2021, the Federal Government of Nigeria announced that they are currently reviewing the Act to impose stricter penalties on oil spill perpetrators in the country.
- In a report by the Oil Spill Monitor based on data from NOSDRA, only two percent (2.19%) of a total of 17.2 thousand oil spills in the country have been cleaned up between 2016 - 2021.
- The Federal Government of Nigeria under the Hydrocarbon Pollution Restoration Project (HYPREP) in 2017 started the ongoing clean up of Ogoniland located in the Niger Delta region based on recommendations from a UNEP 2011 Report.