



NATIONAL ENVIRONMENTAL (OZONE LAYER PROTECTION) REGULATIONS, 2009

National Environmental Standard and Regulations Enforcement Agency (NESREA)

Simplified Summary

Curated by Clean Technology Hub



Clean Tech Incubation &
Acceleration Foundation
Energy Innovation Center



EXECUTIVE SUMMARY

These regulations prohibit the sale, import, or export of products containing ozone-depleting substances. They also provide provisions for the phase-out, packaging and labelling of ozone-depleting substances. This guide provides a simplified summary of the regulation and highlights - the ozone-depleting components covered, handling and recovery of ozone-depleting substances, application for permits for handling ozone-depleting substances, the powers of NESREA, and the current implementation status.

CONTEXT

Nigeria is a signatory to the Montreal Protocol on Substances that Deplete the Ozone Layer and has phase-out management for ozone-depleting substances including hydrochlorofluorocarbons.

LEGAL FOUNDATION

The legal foundation of this regulation is based on the power conferred on the National Environmental Standards and Regulations Enforcement Agency by Section 34 of the NESREA (Establishment) Act 2007 to make regulations to protect the environment of the country

KEY PROVISIONS

Ozone Depleting Components covered

- Purging devices
- Pressurized containers
- Rigid and Flexible Insulation Foam
- Ozone-Depleting Substances (ODS) refrigerants
- Halon

Prohibitions

No person shall import, manufacture in part or in whole, install, offer for sale, sell or buy new refurbished facilities intended to be used for the production of any ozone-depleting substance

No person shall manufacture for purposes of local consumption or export any product which: contains or is made from ozone-depleting substances; and are used as release agents for plastic or elastomeric moulds, protective

No person shall release or permit the release into the atmosphere an ozone-depleting substance from: an equipment or any part of an equipment or fire extinguishing equipment



(ODS), unless for the recovery and recycling of substances already in use.

spray for photographic applications, as well as cleaning solvents for commercial use on electronic equipment.

Purging Device

After the date stipulated for the different substances stated in Schedule 1, no person shall operate an air purge device; or a system for purging non-condensable gasses from a centrifugal chiller, which would release or permit the release into the atmosphere of more than 0.8kg of an ozone-depleting substance per kilogram of air.

Use of Pressurized Container

No person shall manufacture, offer for sale, sell and supply or lease a pressurized container which contains 10kg or less of an ozone-depleting substance, either alone or in a mixture

Exemptions to this includes pressurized container which is used to contain: a prescription drug; a topical anesthetic; a bronchial dilator; a veterinary powder wound spray; a cytospray; or a spermicidal contraceptive foam as well as pressurized container containing azeotropic mixtures

No person shall offer for sale, supply or lease an ozone-depleting substance in a disposable pressurized container for the purpose of charging equipment or fire extinguishing equipment

Rigid and Flexible Insulation Foam

No person shall manufacture, import, offer for sale, sell, supply, lease or apply rigid or flexible insulation foam which uses a foaming agent an ozone-depleting except when the flexible or rigid insulation foam manufactured or imported prior to the effective date of these regulations



ODS Refrigerant		
<p>No person shall handle or deal in ODS refrigerant unless such a person: holds an ODS refrigerant handling permit; or has undertaken and been certified in an approved technical training relevant to handling of ODS refrigerant; and is certified in the approved relevant Code of Practice.</p>	<p>A person shall not acquire, store or dispose of bulk ODS refrigerant unless: they hold an ODS refrigerant trading authorization or a RAC equipment manufacturing authorization, or an operator of a safe refrigerant destruction facility; or the stored refrigerants were acquired prior to 1st January 2010.</p>	
Halon		
<p>From 1st January 2020, a person shall not possess halon that is or has been for use in halon based equipment unless; he is a holder of a halon special; an operator of a safe refrigerant destruction facility and the halon was acquired before the effective date.</p>		
OTHER KEY PROVISIONS		
Recovery of Ozone Depleting Substance	Technical Capacity	Handling of Ozone-Depleting Substances
<ul style="list-style-type: none"> No person shall dispose of equipment or fire extinguishing equipment that contains an ozone-depleting substance without first ensuring that the substance is recovered 	<p>No person shall service, install or dismantle any equipment or a component of any equipment which is in contact with or controls the containment of ozone-depleting substances; or reclaim, recover, recycle or reuse an ozone-depleting substance, unless they have successfully completed an approved technical training on ozone-depleting substance, or is</p>	<ul style="list-style-type: none"> Any person who installs, repairs or services equipment shall recover and either reuse, recycle, reclaim or provide safe storage of any ozone-depleting substance that would otherwise be released into the atmosphere No person shall recharge or add an ozone-depleting substance to an equipment unless they conduct leak tests in accordance with the procedure set out in the Code of Practice or a procedure approved by the Agency; and



<ul style="list-style-type: none"> Exemptions include: residual amounts of ozone-depleting substance contained in the oil supply or equipment following the completion of a recovery procedure, or flexible or rigid insulation foams 	<p>working under the direct supervision of some who has</p>	<p>has effectively repaired any leaks detected</p> <ul style="list-style-type: none"> No person shall import, manufacture, install, offer for sale, sell or buy new fire extinguishing equipment that contains or is intended to contain an ozone-depleting substance with an ozone-depletion potential greater than 0.05. Exemptions to this include use of fire extinguishing equipment for fire protection in military tactical vehicles or vessels; or the sale of fire extinguishing equipment for the
<p>attached to an equipment</p>		<p>purpose of recovering and recycling of halon contained in the extinguisher.</p> <ul style="list-style-type: none"> No person shall use halon to test extinguishing equipment
<p>Information Provided by Recipient</p>	<p>Permanent Labeling</p>	<p>Packaging and Wrapping Materials</p>
<p>No person shall offer for sale, sell, supply or lease an ozone-depleting substance to a person for the purpose of servicing equipment unless: the recipient produces information to show that they have successfully completed an approved technical</p>	<p>No person shall install equipment that does not have a permanent label indicating the type of ozone-depleting substance and oil it contains; or service equipment with an ozone-depleting substance or oil that is different from the substance indicate on the original permanent label</p>	<p>No person shall import or manufacture packaging or wrapping materials that contain ozone-depleting substances.</p>



<p>training; or where has an employee that has successfully completed an approved technical training; and the vendor or supplier records the information and keeps it for a period of 2 years from the date of the sale or transaction</p>		
<p>Application for a permit for importation of ODS</p>	<p>Responsibilities of Permit Holder</p>	<p>Halon Special Permit</p>
<ul style="list-style-type: none"> ● The procedure for application is contained in the National Environmental (Permitting and Licensing System) Regulations 2009 ● The Application fee for the permit for a controlled substance can be waived by NESREA if the purpose of the permit is to allow the import or export of less than half 	<ul style="list-style-type: none"> ● A permit holder shall not contravene any of the conditions contained in the permit ● A permit holder shall keep accurate records and submit bi-annual reports not later than 31st July (January to June Report) and 31st January (July to December Report) to the Agency. ● The records shall be retained for 5 years from the last day of the month to 	<ul style="list-style-type: none"> ● The Agency may on application, grant to a person a permit, entitling that person to store halon that is being used, or is to be used in halon based equipment ● The application fee for a halon special permit shall be stipulated by the Agency from time to time ● The Agency shall grant a halon special permit to a person only if satisfied that – the applicant is competent to carry out the activities covered by the permit, the use of the halon is for the purpose that is necessary to protect human life or operate equipment that is critical to the well-being of the community at that point in time; and there is



<p>a ton of scheduled substances, the Agency is satisfied that the import or export is for the test, educational or research purposes and safe disposal by authorized personnel.</p>	<p>which the records relate and any record kept shall show the name and permit number of the holder; if the record consists of more than one page, it shall be numbered in a regular arithmetic series beginning with the number 1; and show the permit number on each page.</p>	<p>no alternative to the halon's us which is: practicable, available at a reasonable cost, safe, and likely to result in less damage to the environment.</p> <ul style="list-style-type: none"> • A permit granted shall remain in force for 12 months from the date of the grant.
<p>Permits</p>	<p>Operation of an ODS refrigerant safe destruction facility</p>	<p>Fine and Punishment</p>
<ul style="list-style-type: none"> • Full refrigeration and air conditioning permit • Automotive air conditioning permit 	<ul style="list-style-type: none"> • The Agency may, on application, give approval for a person to operate an ODS refrigerant safe destruction facility only it is 	<p>Any person who violates the provisions of these regulations commits an offence and is liable on conviction to – a fine of not more than N200,000 and an additional fine of N10,000 for every day the</p>
<ul style="list-style-type: none"> • Restricted split system air conditioning installation and decommissioning permit • Restricted domestic refrigeration and air conditioning 	<p>satisfied that the facility is able to operate in a way that ensures safe handling and disposal</p> <ul style="list-style-type: none"> • When applying the applicant shall include: their name and address, the address of the facility and 	<p>offence subsists, or imprisonment for a term not exceeding one year; or both fine and imprisonment.</p>



<p>appliances permit</p> <ul style="list-style-type: none"> ● Portable fire extinguisher maintenance permit ● Fixed system testing and maintenance permit ● Recovery, Reclamation, Fill and Recycling permit ● Warehouse maintenance permit ● Control systems installation, commissioning and decommissioning permit 	<p>adequate information about the facility</p>	
<p>Powers of NESREA</p>		
<ul style="list-style-type: none"> ● The Agency shall exercise the powers under its enabling Act to enforce compliance with the provisions of these regulations 		
<ul style="list-style-type: none"> ● The Agency or its authorized agents, shall exercise such power over any premises used by RAC and other industries or enterprises using ozone-depleting substances and who shall require a permit for its activities ● Agency shall prescribe appropriate fee for the various permits 		



- The Agency may waive the application fee for a controlled substance
- The Agency may update the conditions on a permit from time to time.

KEY STAKEHOLDERS

- Federal Ministry of Environment
- NESREA
- Donor Agencies
- Private Sector Companies
- End Users

RELATED REGULATORY AND POLICY DOCUMENT

- National Policy on Climate Change
- Montreal Protocol on Substances that Deplete the Ozone Layer
- National Adaptation Framework
- National Environmental Air Quality Control Regulations

IMPLEMENTATION STATUS

- Nigeria being a party to the Montreal Protocol aims to completely phase-out 407.71 ODO tonnes of Hydrochlorofluorocarbon (HCFCs) by 1st January 2040.
- The Federal Ministry of Environment in collaboration with the UNDP has developed a National Cooling Plan aimed at defining a pathway for reducing indirect and direct emissions of GHGs through the enforcement of Minimum Energy Performance (MEP) policy for cooling equipment and the phases of un climate-friendly refrigerants and foam blowing agents.
- The Federal Ministry of Environment has converted the technology line of over 700 enterprises in the foam, refrigeration, air conditioning, aerosols, fire fighting and solvent making industries to make them more ozone-friendly.
- The Federal Ministry of Environment has identified 26 institutions (Polytechnics and Government Technical Colleges) across the country that offer refrigeration and air conditioning courses and equipped them to serve as Training Centres on Good Refrigeration Practices.