



REPUBLIC OF LIBERIA



**THE OZONE DEPLETING SUBSTANCES
REGULATIONS
AMENDED and REVISED by AUTHORITY 2010**

**MONROVIA, LIBERIA
WEST AFRICA**

Table of Contents

	Page
1. Preamble.....	3
2. Article 1: Definitions.....	4
3. Article 2: Objectives of Regulations	5
4. Article 3: The Policing Committee	5
• Committee Membership.....	5
• Meetings of Committee	6
• Functions and Powers of the Committee	6
5. Article 4: General Provisions	8
• Prohibition on Imports and Exports of Banned Substances and Labeling of Controlled Substances.....	8
• Compulsory Obtaining of Permission on Establishment of Utilities or Use of Chemical Materials.....	8
• Submission of Information	8
• Maintenance Business	8
• Use of Fire Combating Apparatus	8
• Violation	8

- Non-Transferability of License or Permit.....11
- Registrar of License/Permit11
- Violations and Penalties11
- 8. Article 7: Import Quota System12
- 9. Article 8: Appeal to Relevant Court12
- 10. Article 9: Reporting Procedures12
- 11. Article 10: End-User Declaration13
- 12. Article 11: Duty of Permit Holders to Maintain Record13
- 13. Article 12: Customs Verification13
- 14. Article 13: Inspection Required at Entry Point13
 - The Role of the Bureau of Customs and Excise and Other Relevant Government Agencies.....13
 - The Role of Inspectors of the EPA.....14
- 15. Article 14: Duties and Functions of Inspectors14
- 16. Article 15: Taxation15
- 17. Article 16: Penalties15
 - Violations by a Permit or License Holder.....15
 - Violations by a Non-Permit or License Holder.....15
 - Authority of the Committee to Suspend, Revoke or Reissue Permit or License.....15
 - Authority of the Committee to Fine Violators for Offences of these Regulations.....15
- 18. First Schedule17
- 19. Second Schedule20
- 20. Signatures24

THE OZONE DEPLETING SUBSTANCES REGULATIONS OF 2004

AS AMENDED AND REVISED, 2010, BY AUTHORITY

Page | 3

In the exercise of the authority conferred upon it, the National Environment Policy Council of the Environment Protection Agency of the Republic of Liberia hereby promulgates the following Regulations:

Otherwise known and cited as The Management and Organization of the Ozone Sphere Penetrating Substance Regulations.

**PURSUANT TO THE ENVIRONMENT PROTECTION AND MANAGEMENT LAW OF THE
REPUBLIC OF LIBERIA**

“Party” means a party to the Protocol, or any state not party to the Protocol if the State is determined, by a meeting of the Parties, to be in full compliance with Article 2, 2A to 2E and 4 of the Protocol and has submitted data to that effect in accordance with Article 7 of the Protocol;

“Protocol” means the Montreal Protocol on Substances that Deplete the Ozone Layer of 1987 and as amended in London, Copenhagen and Vienna;

“Refrigerant” means a substance, whether part or mixture, that is used as a coolant in a refrigerator freezer, cold room, dehumidifier, heat pump or an air conditioner;

“Person(s)” means a natural person or a registered business such as sole proprietorship, a partnership or a corporation.

“NOU” means the National Ozone Unity of the Environmental Protection Agency.

“Good cause” means safe guarding against acts of excessiveness or negligence as will be determined by the Committee by persons granted license or permit to deal with controlled substances.

“IUPAC” means the International Union of Pure and Applied Chemistry. It is an international scientific organization not affiliated with any government. It strives to advance chemistry in part by setting global standards for name, symbols and units.

Article 2: Objectives of Regulations

The objectives of these Regulations are:

- (a) To regulate the production, trade and use of controlled substances and products;
- (b) To prohibit the production, trade and use of banned substances and products;
- (c) To provide a system of data collection that will facilitate compliance with relevant reporting requirements under the Protocol;
- (d) To promote the use of ozone and climate friendly substances, products, equipment and technology; and
- (e) To ensure the elimination of all ozone depleting substances and equipment using these substances.

Article 3: The Policing Committee

Membership of the Committee

There is established a committee called “The Committee for the Policing of the Management and

Violations and Penalties

Any violator of any portion of *Article 6: Guidelines for License or Permit* will be penalized in accordance with *Article 16: Violations and Penalties* of these Regulations.

Page | 12

Article 7: Import Quota System

- (a) Baseline year: average of 2009 and 2010.
- (b) There shall be established an "Import Quota System" for bulk HCFC as of 2012 onwards, in a manner to be prescribed by the E.P.A:
- (c) There shall be a freeze on the import of HCFC and HCFC-based equipment as at 1 January 2013;
- (d) There shall be a 35% reduction of the baseline consumption of HCFC by 1 January 2020;
- (e) There shall be a total ban on the import and installation of HCFC-using equipment as well as HCFC as of
January 1, 2025:
- (f) There shall be 100% reduction by 2030 except 2.5% for servicing use until 2040

Article 8: Appeal to Court

Until as such time that the Environmental Administrative Court and the Environmental Court of Appeals are established and functioning.

- (a) A person aggrieved by the decision of the Committee to suspend, or not to grant that person permit/license to import, export or store controlled substances, or a person not pleased with the fine imposed for offences against these Regulations by the Committee after an investigative hearing may appeal to the relevant Court against the decision of the Committee.
- (b) A person-wishing to appeal from a decision by the Committee shall do so within ten (10) days after receipt of the Committee's decision.

Article 9: Reporting Procedures

- (a) The holder of a permit under these Regulations shall submit to the EPA an annual report containing the required information as specified in these Regulations.
- (b) Where special reporting procedures are made the condition of a permit issued under these Regulations, those procedures shall take precedence over the submission of annual reports as required by count "a" above.
- (c) Where a person who submits a report requests that the information contained in the report be

confidential, the Person shall include the reasons for that request in the report.

Article 10: End-User Declaration

Page | 13

- (a) A person who buys or receives a controlled substance or equipment shall provide a certified identity to the supplier.
- (b) An end-user shall not sell or otherwise supply or use a controlled substance or product for a purpose other than the purpose declared in the end-user declaration, or sell or otherwise supply a controlled substance or product to any person.

Article 11: Duty of Permit Holder to Maintain Records

A person who imports, exports, stores, distributes or sells a controlled substance or product shall also be required to do the following:

- (a) To maintain record containing the applicable information in the attached Schedule; and
- (b) To submit record referred to above to the Executive Director, every six months from the commencement of the licensed activity.

Article 12: Customs Verification

A person who imports or exports any goods into the Country shall, on request by a customs officer, tender the goods to the officer for verification as to whether they contain or are made with or designed for controlled substances.

Article 13: Inspection at Entry Points

The Role of the Bureau of Customs and Excise and Other Relevant Government Agencies

The Bureau of Customs and Excise and other relevant government agencies shall conduct inspections at all entry points of the country to ensure that these Regulations are complied with.

The Role of Inspectors of the EPA

- (a) Subject to the provisions of the Environment Protection and Management Law of November 26, 2002, the Executive Director may appoint inspectors who shall ensure the proper carrying out the provisions of these Regulations.
- (b) A person who is appointed as an inspector shall be issued with an identity certifying that person has been appointed by the Executive Director as an inspector. Page | 14
- (c) An inspector shall, on demand by a person affected by the inspector's exercise or performance of the power or function under these Regulations, produce the identity issued in accordance with count "b" above.

Article 14: Duties and Functions of Inspectors

The Duties and Functions of the Inspector are as follows:

- (a) To legally enter and inspect any premises, place or vehicle where a controlled substance or product are stored or where there is reasonable suspicion that a controlled substance or product is stored;
- (b) To inspect any substance or mixture of substances which is suspected to contain controlled substance or product;
- (c) To seize any controlled substance or product which is imported or stored contrary to the provisions of these Regulations;
- (d) To carry out any investigation, test or examination the inspector considers necessary for the furtherance of the objectives of these Regulations;
- (e) To ensure the seizure of any controlled substance or product proved to have been stored or imported into the country contrary to these Regulations. He shall report all such matters to the NOU of the EPA and shall work with relevant departments of the EPA and other government agencies to insure that all such substances are disposed of in an environmentally safe manner.

Article 15: Taxation

- (a) The Executive Director may recommend to the National Policy Council for onward transmission to the Office of the President that tax exemptions be granted to importers of ozone friendly substances or products specified by the Executive Director.
- (b) The Executive Director may recommend to the National Legislature that a "pollution tax" be levied on importers of controlled substances or products specified by the Executive Director.

Article 16: Violations and Penalties

Violations by a Permit or License Holder

Any person who violates any provision of these Regulations has committed an offense and if that person is a license or permit holder as stipulated in these Regulations, he or she shall be subject to: Page | 15

- a. An investigative hearing by the Policing Committee;
- b. Where sufficient evidence abounds, the person shall be fined by the Committee in keeping with the below section "*Authority of the Committee to Fine Violators of these Regulations*"; or
- c. His license shall be suspended
- d. If license is suspended, the person shall then be charged and prosecuted in the Courts of law in the Republic of Liberia.

If found guilty by the Court of the offense, the person shall be liable on conviction to:

- a. a fine not less 10,000USD and not exceeding 50,000.00 USD
- b. and/or a term of imprisonment not exceeding 10 years as per Section 56 of the Act creating the Environmental Protection Agency of Liberia, approved November 26, 2002 and published by authority of the Ministry of Foreign Affairs on April 30, 2003, as to be determined based on the gravity of the offense;
- c. and/or any other penalty as within the Court's power and discretion to decide.

Violations by a or Non-License or Non-Permit Holder

Any person who is neither a non-license nor non-permit holder who violates any provision of these Regulations commits an offence and shall be forwarded to the Ministry of Justice for Prosecution and shall be liable on conviction, to a fine not less than 10,000USD and not exceeding 50,000.00 USD or a term of imprisonment not exceeding 10 years as per Section 56 of the Act creating the Environmental Protection Agency of Liberia, approved November 26, 2002 and published by authority of the Ministry of Foreign Affairs on April 30, 2003, and/or any other penalty as with the Court's power and discretion to decide.

Authority of the Committee to Suspend, Revoke or Reissue Permit or License

The Committee, for good cause, may recommend for suspension for a specified time or revocation a license or permit issued under these Regulations.

The Committee reserves the right to reissue a permit or license to any person, as shall be enforced by the Executive Director.

Authority of the Committee to Fine Violators of these Regulations

Any act by any person which contravenes the provisions of these Regulations is an offence and is subject to an investigative hearing by the Committee.

The Committee may fine violators for offences. All such fines may not exceed \$2,500.00 (Two Thousand Five Hundred United States Dollars) for first offence and US\$5,000.00 (Five Thousand United States Dollars)

for second offence. All fines shall be paid into the General Revenue Account of the Government. For all subsequent offences, the Committee may revoke or suspend the license or permit of the holder and forward said holder for prosecution in a court of competent jurisdiction.

FIRST SCHEDULE

A. Banned substances

These include substances mentioned below or compound containing any such substance and all isomers of such substances.

Substance	Chemical Formula	ODP
CFC-11	CFC13	1.0
CFC-12	CF2C12	1.0
CFC-13	C2F3C13	1.0
CFC-111	C2FC15	1.0
CFC-112	C2F2C14	1.0
CFC-113	C2F3C13	0.8
CFC-114	C2F4C12	1.0
CFC-115	C2F5C	0.6
CFC-211	C3FC17	1.0
CFC-212	C3F2C16	1.0
CFC-213	C3F3C15	1.0
CFC-214	C3F4C14	1.0
CFC-215	C3F5C13	1.0
CFC-216	C3F6C12	1.0
CFC-217	C3F7C1	1.0
Halon-1211	CF2BrC1	3.0
Halon-1301	CF3Br	10.0
Halon-2402	C2F4Br2	6.0
Carbon tetrachloride	CCl4	1.1
1,1,1-trichloroethane (methyl chloroform)	C2H3C13	0.1
Methyl bromide	CH3Br	0.6

B: Controlled Substances

These include substances mentioned below or a compound containing any such substance and all isomers of such substances.

Substance	Chemical name	ODP
HCFC-21	Dichlorofluoromethane	0.04
HCFC-22	Monochlorodifluoromethane	0.055
HCFC-31	Monochlorofluoromethane	0.02
HCFC-121	Tetrachlorofluoroethane	0.01-0.04
HCFC-122	Trichlorodifluoroethane	0.02-0.08
HCFC-123	Dichlorotrifluoroethane	0.02-0.06
HCFC-124	Monochlorotetrafluoroethane	0.02-0.04
HCFC-131	Trichlorofluoroethane	0.007-0.05
HCFC-132b	Dichlorodifluoroethane	0.008-0.05
HCFC-133a	Monochlorotrifluoroethane	0.02-0.06
HCFC-141b	Dichlorofluoroethane	0.11
HCFC-142b	Monochlorodifluoroethane	0.065
HCFC-221	Hexachlorofluoropropane	0.015-0.07
HCFC-222	Pentachlorodifluoropropane	0.01-0.09
HCFC-223	Tetrachlorotrifluoropropane	0.01-0.08
HCFC-224	Trichlorotetrafluoropropane	0.01-0.09
HCFC-225ca	Dichloropentafluoropropane	0.025
HCFC-225cb	Dichloropentafluoropropane	0.033
HCFC-226	Monochlorohexafluoropropane	0.02-0.01
HCFC-231	Pentachlorofluoropropane	0.05-0.09
HCFC-232	Tetrachlorodifluoropropane	0.008-0.01
HCFC-233	Trichlorotrifluoropropane	0.007-0.23
HCFC-234	Dichlorotetrafluoropropane	0.01-0.28
HCFC-235	Monochloropentafluoropropane	0.03-0.52
HCFC-241	Tetrachlorofluoropropane	0.004-0.09
HCFC-242	Trichlorodifluoropropane	0.005-0.13
HCFC-243	Dichlorotrifluoropropane	0.007-0.12
HCFC-244	Monochlorotetrafluoropropane	0.009-0.14
HCFC-251	Trichlorofluoropropane	0.001-0.01
HCFC-252	Dichlorodifluoropropane	0.005-0.04
HCFC-253	Monochlorotrifluoropropane	0.003-0.03
HCFC-261	Dichlorofluoropropane	0.002-0.02
HCFC-262	Monochlorodifluoropropane	0.002-0.02
HCFC-271	Monochlorofluoropropane	0.001-0.03

C: Products containing, made with or designed from prescribed or controlled substances

- (1) Automobile and truck air-conditioning units (whether incorporated in vehicles or not)
- (2) Domestic and commercial refrigeration and Air-conditioning/heat pump equipment when containing controlled substances as a refrigerant and/or insulating material of the product. E.g. Refrigerators, freezers, Dehumidifiers, water coolers, Ice Machines, air-conditioning and heat pumps units.
- (3) Aerosol products, except medical aerosols
- (4) Portable fire extinguishers
- (5) Insulation boards, panels and pipe covers
- (6) Pre-polymer

SECOND SCHEDULE

A. Form 1.

INFORMATION on VENDOR/SUPPLIER and END-USER

I. Information concerning the vendor/supplier

Name of vendor/supplier:

Address:.....

II. Information concerning end-user's address:

Name of controlled substances/product:.....

End-user category/purpose:

III. Declaration by End-User of Controlled Substances or Products

I/We undertake not to sell or otherwise supply any quantity of the controlled substance/product received by me to any person.

I further undertake not to use any quantity of the controlled substance/product received for a purpose not set out in the declaration.

I declare that the information stated in this declaration form is correct.

Date

Signature

B. Form 2:

RECORDS TO BE MAINTAINED FOR CONTROLLED SUBSTANCES AND PRODUCTS

I Information relating to distribution, sale and use.

1. Dated records of

- (a) the actual quantity of each controlled substance/product purchased from a supplier, wholesaler or distributor.
- (b) the actual quantity of each controlled substance/product used and the end user category or purpose.
- (c) The quantity of each controlled substance/product sold and the names and address of the end-users as set out in the declaration form in the fourth schedule and duly signed the end-user

II Information relating to imports

1. Dated Records of

- (a) The actual quantity of each controlled substance/product that was imported in each shipment.
- (b) The entry point through which the controlled substance/product was imported.
- (c) The party for which the controlled substance/product was imported and the name and address of the supplier; and
- (d) The import number for the consignment of the controlled substance/product imported.

2. Copies of the bill of lading, the invoice and documents submitted to the revenue office of each consignment.

III. Information relating to exports.

1. Dated records of

- (a) The actual quantity of each controlled substance/product exported in each shipment;
- (b) The point of entry through which the controlled substances/product was exported;
- (c) The party through which the controlled substance/product was exported and the name and address of the recipient;
- (d) The purpose for which the controlled substances/product was exported.

C. Form 3

APPLICATION FOR A PERMIT TO IMPORT/EXPORT CONTROLLED SUBSTANCE OR CONTROLLED SUBSTANCE DEPENDENT EQUIPMENT

Name of organization/individual:

Physical address:

Postal address:

Person responsible:

Address (if different from above):

Telephone:

E-mail:

Fax:

State controlled substance/controlled substance dependent to be imported or exported and their quantities:

Controlled substance	Quantity	Country of export	Intended use

Note: Upon completion of this form in duplicate, the form shall be submitted to:

D. Form 4:

APPLICATION FOR REGISTRATION AS IMPORTER/EXPORTER/SELLER OF NON-OZONE DEPLETING SUBSTANCES

Name of applicant: _____

Category: Please tick appropriate box: Importer* [] Exporter [] Seller* []

Address: _____

Telephone #: _____

E-mail: _____

Fax: _____

Contact person (name/title) _____

Person authorized to act on behalf of the company/organization (name//title)

I, _____, authorized to act on behalf of _____, certify that the information herein this application is correct.

Name (in block letters) _____

Title: _____

Signature: _____

Date and place: _____

DONE ON THIS 28th DAY IN THE MONTH OF December, A. D. 20 10.

Signed: 
Executive Director
Environmental Protection Agency (EPA)
Republic of Liberia

Approved: 
 Chairman
National Environmental Policy Council
Environmental Protection Agency
Republic of Liberia

OTHER MEMBERS OF THE POLICY COUNCIL WHO WORKED ON THE AMENDED AND REVISED REGULATIONS:

Committee on Environment &
Natural Resources
House of Representative, RL



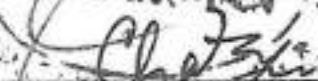
Representative's Signature

Council of
Traditional Chiefs, RL



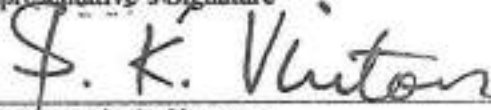
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Liberia Maritime Authority



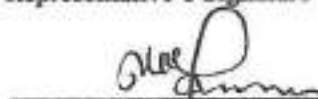
Representative's Signature

Liberia Chamber of Commerce



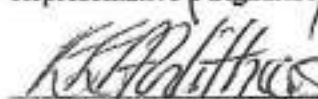
Representative's Signature

Ministry of Health &
Social Welfare



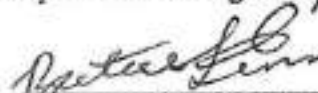
Representative's Signature

Ministry of Internal Affairs



Representative's Signature

Ministry of Public Works



Representative's Signature