

ENFORCEMENT POLICY GUIDELINES FOR PETROLEUM SECTOR OPERATIONS

*“Those being regulated must
BE MADE AWARE
of their obligations and be
HELPED TO COMPLY
by enforcing authorities”*

(OECD - Principles of Good Regulation)

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D. S. AMLALO

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Executive Director

FOREWORD

Environmental Regulation aims at protecting and enhancing the environment. Exploring for oil and gas, developing oil and gas field, production, storage, transportation and refining/processing of the produced oil and gas are activities that could have serious impact on the environment if things go wrong. As such, governments have enacted laws for regulating and management of oil and gas industry activities in order to achieve sustainable development. In Ghana, the Environmental Protection Agency (EPA) is the regulatory agency for environmental protection. Established by an Act of Parliament (Act 490) in 1994, the EPA is the leading public body for championing the course of protecting and improving the environment in Ghana. It is our job to make sure that air, land and water are looked after by everyone in today's society, so that tomorrow's generations inherit a cleaner, healthier world. The EPA has worked for close to four (4) decades now in ensuring that Ghana's environment is taken care of by industry and the citizenry. We have offices across Ghana working on and carrying out Government policies, inspecting and regulating businesses and reacting when there is an emergency such as a pollution incident.

With the advent of the upstream oil and gas activities, it is important for EPA to put into the public domain how it intends to regulate the oil and gas activities. The policy frameworks enumerated in this document are largely derived from the Environmental Protection Agency Act, 1994, Act 490 and its subsidiary legislation, Environmental Assessment Regulations, 1999, LI 1652. The Agency has also developed offshore guidelines to govern the conduct of the upstream oil and gas development. We are also in the process of reviewing our laws and enacting new ones to enhance environmental accountability in the country. This Enforcement Policy is the basis for ensuring that our existing laws and the anticipated ones are complied with by the regulated.

EPA, through the functions and roles undertaken by its Inspectors, is accountable to the Minister responsible for Environment, Parliament, and to the general public for its actions. This means that EPA must have policies and standards against which it can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints about its actions.

The arrangements for handling complaints are described in the LI 1652 and also highlighted in this Policy. EPA also has arrangements in place so that the Minister of Environment and other stakeholders are provided with information as necessary.

The development of the upstream oil and gas industry is a new era that has dawned on many Ghanaians in this recent time. The public clearly expects to be informed about environmental management processes, actions and plans, state of the environment, oil companies, the Agency's collaborators and allies, etc. As the lead public institution of environmental stewardship, the Agency has found it necessary to develop a separate website for the oil and gas aside its main website (www.epa.gov.gh). The public can therefore access information on oil and gas activities including this policy document at the EPA oil and gas website, www.epaoilandgas.org.

With this policy our intentions and the responsibility under the law are made clear. The industry must not perceive the Agency as **bother** but a **bRother**. The “**R**” in the “**bother**” means we are a Regulator and the law enjoins us to ensure compliance with the laws. We will therefore enforce the law according to the tenets of this policy to ensure compliance. At the same time we know and understand that environmental management is not environmental policing, where we only have to come in when a wrong has been done. We have to work with the industry in order that pollution and other emergencies are identified early, so that where feasible they are eliminated through design and technology. In that sense we are a “**brother**”.

We need to work together so that the natural resources we are harnessing for our needs today will meet the needs of our children tomorrow. We also need support from the general public to enable us implement this policy effectively. Every regulator depends on information from the public to be effective.

DANIEL S. AMLALO
EXECUTIVE DIRECTOR
ENVIRONMENTAL PROTECTION AGENCY

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Introduction

1. Based on the Enforcement and Control powers conferred on the Environmental Protection Agency (the Agency) under Sections 12 – 15. of the Environmental Protection Agency Act, 490 (1994), this enforcement policy guidelines is hereby developed.
2. The Environmental Protection Agency aims at:
 - a. Regulating the oil and gas industry based on science and in the context of sustainable development;
 - b. Promoting industry regulatory compliance; and
 - c. Regulating without undue burden on the industry, or taxpayer liability.
3. Firm but fair regulatory enforcement of the relevant legislation by inspectors of the Agency is an important aspect of achieving these aims. Equally important, inspectors give compliance advice to the oil and gas industry and provide information through participating in industry organised courses and conferences, joint industry projects, and EPA's oil and gas internet site www.epaailandgas.org.
4. This policy guidelines applies to all oil and gas installations operating, in connection with the exploration, development or production, transportation, bulk distribution and refining of petroleum that come within the scope of the laws. This includes production platforms, mobile drilling units, floating production and storage offloading vessels, pipelines, depots, refineries, etc.
5. A company who operates an oil and gas installation or has a block granted to it by the Ministry of Energy/Petroleum Commission or operates pipelines, refinery or petroleum depots is described in this policy as an Operator.
6. Inspectors enforce statutory instruments (laws) which:
 - Regulate, using Permits with conditions, the activities of the discharge and the use of offshore chemicals, the discharge of oil, and emissions from qualifying offshore combustion installations;
 - Required Operators to have an oil spill contingency plan.
7. Offshore chemicals are those used in the process facilities or drilling activities in the production and exploration of petroleum. Oil includes any liquid hydrocarbon [e.g. crude oil, condensate, or dispersed oil in produced water etc.

¹A combustion installation is technical apparatus located on an offshore installation, in which fuels are oxidised to use the heat, e. g. gas turbines, etc.

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Definitions of these terms, and others, are detailed within the '*Guidelines for Environmental Assessment and Management in the Offshore Oil and Gas Development (2011)*'.

8. Environmental Permits are granted by the Agency to Operators on successful application and assessment. These Operators are also described as **Permit Holders** in this policy.
9. Enforcement methods available to Inspectors include: a letter, serving of an Enforcement or Prohibition Notice, revocation of a Permit and prosecution.
10. This Policy Guidelines sets out the general principles that Inspectors shall follow in relation to enforcement including prosecution. It covers the key areas of:
 - i. Purpose and Scope of Enforcement;
 - ii. Principles of Enforcement;
 - iii. Methods of Enforcement;
 - iv. Prosecution;
 - v. Enforcement and the Liaison with other Authorities;
 - vi. Concurrent use of Enforcement Methods and Communicating Outcomes;
 - vii. Publicity and Provision of Information; and
 - viii. Appeals, Complaints or Comments
11. Inspectors exercise their powers by undertaking regulatory interventions such as an inspection and/or investigation to gather evidence to form an opinion if Permit Holders and other companies have contravened the law or, a contravention is likely to occur.
12. This Policy Guidelines is written in the context of the current law regime at the time of publication. The principles of this Policy Guidelines will apply to any future law where there are offences and powers of intervention. EPA reserves the right to change this Policy Guidelines without notice and may re-issue it where there are significant changes to the law regime or, the way it decides to enforce the regulations.

13. An important aspect of gathering evidence is interviewing personnel in the sector. Personnel may range from onshore Senior Management to Offshore Installation Managers, Supervisors, or Technicians. On some occasions, Inspectors may exercise their powers to conduct interviews with any person whom they have reasonable cause to suspect is able to give information relevant to any examination or investigation and for that person to sign a declaration as to the truth of their answers. Inspectors shall explain to the interviewee the purpose and nature of such interviews.
14. In addition to interviews, Inspectors may also take pieces of equipment into their possession and also copies of documents for examination. However, it should not be assumed that if an Inspector exercises these powers that this will inevitably lead to enforcement. Rather, it is a matter of ensuring that the Inspector applies appropriate rigour and quality to the process of gathering evidence.
15. The EPA expects compliance with the relevant law requirements. However, Inspectors will not hesitate to use their enforcement powers when and where appropriate in accordance with this Policy Guidelines.
16. Inspectors exercise their enforcement powers for the purpose of securing compliance with the laws.

Purpose and Scope of Enforcement

17. **Purpose of Enforcement:** Enforcement, including prosecution, has three key purposes. It is to ensure that those, such as Permit Holders and Operators, who have duties under the law:
 - take preventive or remedial measures to prevent pollution;
 - put in place measures to achieve compliance; and
 - are held to account when failures to comply occur.

Pollution means the introduction by man, directly or indirectly of substances or energy into the relevant area which result, or is likely to result, in hazards to human health, harm to living resources and marine ecosystem, damage to amenities or interferences with other legitimate users of the sea.

18. **Scope of Enforcement:** The scope of enforcement includes but not limited to the alleged or likely contraventions that are stipulated as offences of the statutory instruments that make up the regulatory regime. However, it is important to highlight certain decisions and recommendations by the Oslo-Paris Convention [OSPAR], Abidjan Convention, Bamako Convention and various other pollution related requirements imposed upon mobile drilling units while they are in transit.
19. The 1992 Oslo-Paris Convention is for the protection of the marine environment of the North East Atlantic. The OSPAR Commission is a body of representatives of Governments of the 15 contracting parties. It is EPA's policy to implement and apply all the relevant OSPAR Commission's decisions and recommendations. However, this policy only applies to those decisions or recommendations in so far as they have been incorporated into Ghana's laws and/or guidelines or form conditions attached to Environmental Permits.
20. The Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region (Abidjan Convention) was adopted in 1981. The Convention and its protocol concerning cooperating in combating pollution in cases of emergency came into force in 1984. To date the Convention covers the marine environment, coastal zones and related inland waters falling within the jurisdiction of the States of the Western African Region, from Mauritania to South Africa.
21. The Bamako Convention (in full: Bamako Convention on the ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa) is a treaty of African nations prohibiting the import of any hazardous (including radioactive) waste. The Convention was negotiated by twelve nations of the Organization of African Unity in Bamako, Mali in January, 1991, and came into force in 1998. Impetus for the Bamako Convention arose from the failure of the Basel Convention to prohibit trade of hazardous waste to less developed countries (LDCs), and from the realization that many developed nations were exporting toxic wastes to Africa.
22. This Policy Guidelines does not apply to mobile drilling units in transit as they are treated as vessels. During this time, they are subject to other pollution related Ghana Maritime Authority statutory requirements that are outside the jurisdiction of EPA Inspectors [e.g. having a Shipboard Oil Pollution Emergency Plan (SOPEP) and requirements of The International Convention for the Prevention of Pollution from Ships (MARPOL)].

³SOPEP is a different plan from the Oil Pollution Emergency Plan (often referred to as the Oil Spill Contingency Plan) required for offshore installations. SOPEP and other shipping related pollution matters are handled by the Ghana Maritime Authority.

Principles of Enforcement

23. Key to this Policy Guidelines are the principles of:
- i. Proportionality in the method of enforcement used;
 - ii. Targeting of enforcement;
 - iii. Consistency of approach;
 - iv. Transparency in the implementation of the Policy; and
 - v. Accountability of EPA for its actions.
24. **Proportionality:** Proportionality means relating the method of enforcement to the seriousness of any alleged offence, the potential for pollution, or actual pollution caused. In practice, this means that Inspectors will take particular account of how far those who have duties under the law have fallen short of what the law requires, the extent of the risk of, or actual, pollution.
25. Repeated incidents or contraventions of legislation may be as a result of:
- On-going technical problems of a complex nature; or
 - An indication of unwillingness of a company who has duties under the law to change behaviour to negate or reduce incidents, or put in place measures to achieve compliance with permit conditions.
26. This may require a review of a Permit Holder or Operator's actions, the method of enforcement [escalation or de-escalation], the approach taken by Inspectors, the frequency, depth, and scope of future regulatory interventions.
27. **Targeting:** Targeting means making sure that regulatory enforcement effort is directed primarily towards those whose activities:
- Give rise to, or there is a risk of, serious pollution;
 - Have the potential to affect the environment, damage amenities or interfere with other uses of the sea or other water-bodies;
 - Historically, have indicated that the risks of pollution are least controlled;
 - Have taken place, or are on-going, where a permit is required and has not been applied for or granted;
 - Have been subject to previous enforcement with no evidence of improvement;
 - Give rise to, or there is a likelihood of, non-compliance with permit conditions where a permit has been granted;

- Have a history of reportable incidents;
 - Give rise to inspection/investigation findings; or
 - Where an Operator has failed to submit, maintain or implement an oil spill contingency plan.
28. EPA's Inspection and Investigation Policies are integral tools for ensuring inspection and investigation effort is properly focused.
29. **Consistency:** Consistency means taking a similar approach in similar circumstances to achieve desired results. EPA aims to achieve consistency in:
- Providing advice to those who have duties under the law;
 - Response to pollution and other incidents;
 - Exercise of powers by its Inspectors; and
 - Decisions on whether to pursue prosecution.
30. EPA recognises that consistency cannot be as simple as uniformity. Inspectors take into account many factors including, but not limited to, the:
- Scale of any actual or, the risk of pollution;
 - Location of the incident;
 - Amount of emissions, oil or chemicals discharged, or likely to be discharged with the conditions of a permit;
 - Type and nature of the emission, chemical, or oil discharged;
 - Implementation of the oil spill contingency plan;
 - Number, or significance, of permit conditions that have not been complied with;
 - Causal factors and circumstances that have given rise to consideration of enforcement including those that
 - (i) arose as a result of occurrence which could not reasonably have been prevented; or
 - (ii) was due to an action taken as a matter of urgency for the purpose of securing the safety of any person.
 - Measures and robustness of arrangements, or lack of them, that the Permit Holder or Operator has in place to achieve compliance;
 - Likelihood of recurrence;
 - Actions of the Permit Holder's or Operator's management commitment to compliance;
 - Permit Holder's or Operator's previous history of incidents, compliance record and enforcement;
 - Potential conflict of enforcement with other statutory provisions; and

- Evidence available and gathered to pursue the appropriate enforcement in line with this Policy.
31. **Transparency:** Transparency is vital in maintaining public and industry confidence in EPA's ability to regulate. It means helping those being regulated understand what is expected of them and vice-versa.
32. Transparency is an integral part of the role of an Inspector. EPA has arrangements to ensure that:
- Where remedial action is required, it is clearly explained why the action is necessary and when it must be carried out;
 - In the case of an Enforcement Notice the opportunity is provided to discuss what is required to comply with the Notice.
 - In the case of a Prohibition Notice explaining why the prohibition is deemed necessary;
 - Where a Permit is revoked the reasons are explained;
- publicity and provision of information to the public is undertaken in accordance with the relevant laws.
33. In addition, Inspectors will clearly distinguish between statutory requirements, and provide technical advice where necessary.
34. **Accountability:** EPA, through the functions and roles undertaken by its Inspectors, is accountable to the public for its actions. This means that EPA must have policies and standards against which it can be judged, and an effective and easily accessible mechanism for dealing with comments and handling complaints. The arrangements for handling complaints are described in paragraphs 67-69 of this Policy Guidelines.

Methods of Enforcement

35. Enforcement can arise from inspections, investigations, or other regulatory activities where in the opinion of the Agency, there is or there is likely to be, a contravention of laws. The methods of enforcement include:
- i. Letter;
 - ii. Enforcement Notice;
 - iii. Cessation or Prohibition Notice
 - iv. Revocation of a Permit; and
 - v. Prosecution.

36. The first three methods detailed above are non-punitive in nature and may be used where an alleged non-compliance does not warrant prosecution. They are forward looking and are focused on bringing the Permit Holder or Operator into compliance. EPA has arrangements in place to monitor, follow-up and check compliance where these methods have been used. Punitive enforcement amounts to EPA pursuing further legal proceeding-prosecution.
37. **Letter:** Where there has been frequent recurrence of minor contraventions, or where action is required to achieve compliance, but an Enforcement Notice or Prohibition Notice is inappropriate for reasons of proportionality, then an inspector may issue a letter of caution or warning to the Permit Holder or Operator. This letter will confirm the matters requiring attention and will specify actions to be taken.
38. **Enforcement Notice:** An Enforcement Notice may be served when the Agency is of the opinion that a Permit Holder or Operator has, is or is likely to contravene any condition imposed by a permit issued under the laws. The Notice will detail the Agency's opinion and specify:
- The matters which gave rise to the opinion;
 - The steps that must be taken to remedy or to prevent the contravention; and
 - The period within which those steps must be taken.
39. The period specified in the Enforcement Notice in which compliance has to be achieved will be discussed with the Permit Holder. However, it is for the Agency to specify the compliance date.
40. The Agency may revoke an Enforcement Notice. Circumstances that may give rise to this include:
- Where a Notice has been served in error;
 - Where a Notice contains an error, the original Notice will be revoked and a new Notice served with the error corrected; or
 - An occasion where, for well justified reasons, a Permit Holder cannot achieve compliance within the period specified. The original Notice may be revoked and a new Notice served specifying a new compliance date. However, it is for the Permit Holder to bring this situation to the Agency's attention and to put forward in writing the reasons why compliance cannot be achieved within the period specified.

41. In the event of non-compliance of an enforcement notice, the Agency may invoke the relevant portion of the law
42. **Cessation Notice:** A Cessation Notice may be served when the Agency is of the opinion that there is imminent risk of serious pollution as a consequence of any:
- Discharge of oil
 - Use or discharge of chemicals; or
 - Operation of a combustion installation.
 - Non-compliance with standards and or guidelines
43. A Prohibition Notice may be served on any aspect of the operation of an installation whether or not it is regulated by the conditions of a Permit or an accident has occurred.
44. The Notice will prohibit the activity giving rise to the risk and:
- Detail the matters giving rise to the Inspector's opinion which describe the risk involved in the operation of the installation;
 - The steps that must be taken to remove the risk and the period within which they must be taken; and
 - May direct that any permit ceases to have an effect or may impose conditions to be observed in carrying out an operation which is authorised under a relevant permit.
45. The Agency may, by notice in writing, withdraw a Cessation Notice wholly or in part at any time and shall withdraw a Notice when the steps required by the Prohibition Notice have been taken to achieve compliance.
46. The phrase 'serious pollution' is not defined in the legislation. It is not necessarily related to the size of any spill, discharge or emission. For example, a relatively small spill of a hazardous substance may have an impact on a protected habitat or species, or could result in a beach being closed to the public. In contrast, a large spill of a relatively benign substance may have little or no impact on the environment.
47. **Revocation of a Permit:** The Agency, by a Notice in writing, may revoke a permit issued under the law where the Agency is of the opinion that:
- Any application or information or statement made in connection with a permit was false or misleading; or
 - The Permit Holder/Operator has been guilty of a breach of any condition(s) of a permit.

- Is in breach of any provision of these Regulations or any other enactment relating to environmental assessment;
 - Fails to comply with mitigation commitments in his assessment report or environmental management plan.
 -
48. Revocation of a Permit will only take place, in exceptional circumstances, where:
- There is evidence of a deliberate attempt to falsify information or mislead for gain, or other reasons, in connection with a Permit application; or
 - The breaches of the Permit are significant, numerous, persistent, and cover an extended period where the Permit Holder has failed to respond to other methods of enforcement.
49. An Operator may re-apply for a Permit after it has been revoked. However, the Permit would only be granted if EPA is satisfied that the information in connection with the application is not misleading or false, or that the Operator had put in place arrangements, such that they will be able to comply with the conditions on the granting of the Permit.
50. **Prosecution:** A Permit Holder, Operator or any other company may be prosecuted as a last option.
51. Prosecution, when successful, is a punitive form of enforcement. It draws attention to the need for compliance with the law, and conviction may deter others from a similar failure to comply. EPA has arrangements in place to manage the decision to pursue prosecutions so as to retain confidence in the independence of this process.
52. The decision to prosecute shall take account of the evidential test and the relevant public interest factors set down by the Director of Public Prosecutions or in the Criminal Code (Amendment) Act, 2003 (Act 646). No prosecution may go ahead unless the prosecutor finds there is sufficient evidence to provide a realistic prospect of conviction and decides that prosecution would be in the public interest.
53. **Managing the Decision to Pursue Prosecution:**⁴ The decision to recommend or to pursue prosecution is taken not by the individual investigators. Rather, a senior officer in consultation with the legal department takes the decision to prosecute where

⁴ When EPA has reached the final stages of its investigation into an alleged criminal offence it may provide "a body corporate" (i. e. a company) with the opportunity to (a) respond to questions pertaining to alleged criminal offences that EPA suspects the company has committed and (b) make representations with a view influencing EPA's decision – making with regard to the instigation of criminal proceedings. The company would be invited to nominate a senior representative to attend a tape recorded interview under caution in accordance with the Criminal Code and the Evidence Decree. The company is not obliged to participate in the interview.

- (a) The gravity of the alleged offence, taken together with the seriousness of any actual or potential pollution justifies this approach;
- (b) The general record and approach of the alleged offender warrants it; or
- (c) There has been reckless disregard of requirements imposed by the legislation.

54. **Particular Criteria for Prosecution:** Prosecution of a Permit Holder, Operator or other company may arise where, in EPA's opinion, there has been:

a) A significant discharge of oil or chemical into the sea, or under the seabed, arising from an activity:

- Where a permit has not been obtained, or
- Not in accordance with the terms of, and conditions attached to a permit.

b) A significant breach, or repeated breaches, of a permit condition(s);

c) A spill of oil or chemical that has, or has the potential to have, an adverse effect on the environment, damage amenities or interfere with other users of the sea; or

d) A failure without reasonable cause, by the Operator, to implement its oil spill contingency plan in the event of an oil pollution incident.

55. Other occasions where a prosecution may arise include where a Permit Holder, Operator or other company, in EPA's opinion, has:

a) Failed to comply with formal remedial requirements such as those set out in an Enforcement or a Prohibition Notice;

b) Failed to supply information without reasonable explanation or knowingly or recklessly supplying false or misleading information;

c) Intentionally obstruct Inspectors in their lawful execution of their duties;

d) Committed an offence due to the act or default of some other company, that other company (e.g. Service provider or any other sub-contractor) may be subject to legal proceedings whether or not proceedings for the offence are taken against the first mentioned company [e.g. Operator]; or

e) An Operator has, without reasonable cause, failed to submit, resubmit or maintain an oil spill contingency plan.

56. **Prosecution of Individuals:** In exceptional circumstances, EPA may identify and prosecute or recommend prosecution of any Director, Manager, Secretary or other similar officer of the body corporate [i.e. the company where an investigation reveals evidence that suggests that an offence may have been committed with the consent or connivance of such an individual or to have been attributable to neglect on their part. Specifically, Inspectors will consider the management chain and the role played by individual Directors and Managers. This would only be pursued where an offence by a body corporate [i.e. the individual's employer] is proved.
57. When an Inspector forms the opinion that any Director, Manager, Secretary or other similar officer may have committed an offence that may result in legal proceedings being taken against them, the Inspector will proceed in accordance with the relevant statutory provisions.
58. Inspectors explain to the interviewee the purpose and nature of such interviews.

Enforcement and Liaison with other Regulators & Authorities

59. It is foreseeable that an Inspector's regulatory intervention giving rise to an enforcement action may coincide with an intervention on the same offshore installation by the:
- i. Ghana Maritime Authority [GMA];
 - ii. Petroleum Commission; or by
 - iii. Inspectors from another government appointed regulator
60. In such circumstances, EPA will arrange with these bodies to ensure harmonization of the Agency's enforcement procedures and other such actions that may be taken by other Regulators such as the GMA on one hand and adherence of permit conditions by Operators or Permit Holders on the other to avoid any conflicting or procedure duplication situations.
61. Inspectors often liaise and share information with other Inspectors from other government appointed Regulators.
62. **Inspectors from other Regulators:** The EPA Inspector will liaise with Inspectors from the other relevant Regulatory institution to plan an enforcement action where necessary.

Enforcement Methods and Communicating Outcomes

63. Circumstances could be such that different methods of enforcement may be selected at different stages during and after a regulatory intervention. EPA is committed to communicating the outcomes of regulatory interventions to ensure that there is no uncertainty as to the approach its Inspectors are pursuing.
64. **Communicating Outcomes:** The Executive Director of EPA will write to the Permit Holder, Operator, other company, or individual, following an investigation to advise them:
- If a decision to pursue a prosecution has been taken; or
 - That no further legal proceedings are to be pursued.
65. It should be noted that an investigation may take a number of weeks or, in some cases, several months to complete depending on the complexity of the incident.

PUBLICITY AND PROVISION OF INFORMATION

66. Information regarding the implementation and outcomes of this enforcement policy shall be subject to release and publication in accordance with the EPA's internal processes and the EPA Act, 490 (1994).

Appeals, Complaints, or Comments

67. An integral part of the accountability principle of enforcement is having arrangements in place for dealing with complaints or comments. Two methods exist: a formal system using the Courts, and local arrangements involving EPA senior management
68. The current system of dealing with complaints is described in the Environmental Assessment Regulations, 1999, LI 1652 (Regulation 27). It entitles the Permit Holder or Operator to appeal to the Minister. Any appeal under the LI 1652 must be made within 30 days of written notification of the decision in question.
69. Where a person has a complaint regarding the implementation of this policy they should bring this to the attention of the Agency.
70. Senior management within EPA monitors the implementation and effectiveness of this policy

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More information is available from the EPA oil & gas internet site:

www.epailandgas.org

Appendix: Powers of Inspectors

- (1) Under Sections 15 of Act 490 Inspectors are appointed by the Board of EPA to:
- Investigate whether the requirements, restrictions or prohibitions imposed by the relevant legislation have been, or are being complied with;
 - Monitor the use or discharge of any offshore chemicals;
 - Monitor any discharge of oil; and
 - Report on the condition or operation of, or discharges from, any qualifying offshore combustion installation.
- (2) An Inspector, for the purposes described above, may:
- (a) At any reasonable time [or, in a situation which in his opinion may give rise to a risk of significant pollution as a result of the discharge of oil or, the use or discharge of an offshore chemical, or, operation of any qualifying offshore combustion installation, at any time] board any offshore installation, depot, refinery, gas processing plants, etc without obstruction;
 - (b) On boarding any oil and gas installation. take with him any other person authorised by the Executive Director for the purposes mentioned in paragraph (1) and any equipment or materials that he thinks he may require;
 - (c) Make such examination or investigation as he considers necessary including any examination or investigation of the offshore installation or of the maintenance or monitoring of apparatus on the offshore installation] [Under Section 2(d) of Act 490, for which purpose he may install or maintain monitoring or other apparatus on a platform];
 - (d) Give a direction requiring that any part of the offshore installation any offshore installation, depot, refinery, gas processing plants, etc be left undisturbed [whether generally or in particular respects] for so long as is reasonably necessary for the purposes of any examination or investigation under sub paragraph (c);
 - (e) Take such measurements and photographs and make such recordings as he considers necessary for the purpose of any examination or investigation under sub paragraph (c).

- (f) Take samples of any articles or substances found on the offshore installation or take samples of the atmosphere, land, seabed [including the subsoil thereof] or water in the vicinity of the offshore installation, any offshore installation, depot, refinery, gas processing plants, etc;
- (g) In the case of any article or substance which he finds on the offshore installation [Under Section 2(d) of Act 490, an article or substance which appears to have caused or to be likely to cause significant pollution], cause it to be dismantled or subjected to any process or test [but not so as to damage or destroy it unless in the circumstances of the case, that is necessary];
- (h) in the case of any such article or substance as is mentioned in sub paragraph (g), take possession of it and detain it for so long as is necessary for all or any of the following purposes, namely:
 - i. to examine it and do to it anything which he has power to do under that sub paragraph;
 - ii. to ensure that it is not tampered with before his examination of it is completed; and
 - iii. to ensure that it is available for use as evidence in any proceedings relating to an offence under these Regulations.
- (i) Require any person whom he has reasonable cause to believe is able to give any information relevant to any examination or investigation under sub paragraph (c):
 - i. to attend at a place and time specified by the Inspector;
 - ii. to answer [in the absence of any person other than persons whom the Inspector may allow to be present and a person nominated to be present by the person upon whom the requirement is imposed] such questions as the Inspector thinks fit to ask; and
 - iii. to sign a declaration as to the truth of his answers
- (j) Require the production of, and inspect and take copies of:
 - i. any records which by virtue of any provision of any permit granted under these Regulations are required to be kept; and
 - ii. any records which he considers it necessary for him to see for the purposes of any examination or investigation under sub paragraph ©.
- (k) Require any person to afford him such facilities and assistance with respect to any matters or things within that person's control or in relation to which that person has responsibilities as the Inspector considers are necessary to enable him to exercise any of the powers conferred on him by the Act 490.