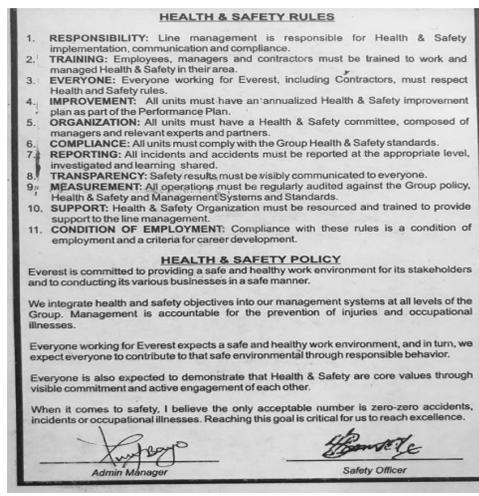


Dying in instalment: How failure of regulation contributed to lead pollution (3)

The third part of this investigation uncovers how regulatory failure allowed lead acid battery recyclers without even the requisite government approvals to operate with reckless abandon and endanger the lives of many Nigerians, writes **ISAAC ANYAOGU**.



Confronted with test results showing high levels of lead in the blood of people living close to its lead battery recycling operation in Ipetoro, Sagamu, local government area of Ogun State, Everest Metals Nigeria Ltd's first line of defence was that it had all the government registrations required for the business.

This is not true. Nigeria is signatory to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, an international treaty that was designed to reduce the movements of hazardous waste between nations and specifically to prevent transfer of hazardous waste from developed to less developed countries.

Therefore to be eligible to move hazardous waste, of which used lead acid batteries (ulabs) are part of, the Ministry of Environment issues a company dealing with hazardous waste a certificate to export the waste material. Without this certificate, when a container carrying waste material arrives in a different country, it is seized and returned to the country of origin.

So to ascertain the company's claim of having the right registrations, we visited the Ministry of the Environment in Abuja and secured a list of approved lead battery recyclers permitted to export lead recycled locally and found that it does not include Everest Metals Nigeria Ltd.

However, a source inside the ministry informed us that the

company's registration was withdrawn after a non-profit, Sustainable Research And Action For Environmental Development (SRADEV) published a study last year, indicating high levels of lead in the soil samples taken from the company's facility.

One senior official of the ministry confirmed that Everest Metals Recycling was operating illegally because they have not been awarded clearance to export hazardous waste.

The same is true for Metalworld Recycling in Lagos, the official said. Recently, Metalworld Recycling Ltd's consignment was reportedly sent back from Spain to Nigeria because it was not issued an approval from the ministry, a source in the ministry told us.

The ministry of environment is yet to respond to requests for comments at the time of publication.

Yet Everest Metal was issued an export license by the Nigerian Export Promotion Council (NEPC) for the same waste it did not secure approval to export by the Ministry of Environment. Vikas Das, managing director of Everest Metals presented an exporter registration certificate issued by the NEPC (REF. NO 0003356) valid till 16/02/2020 raising questions about coordination and synergy in the ministries.

The NEPC has not responded to questions on the process that led to awarding Everest Metals an export license as at the time of publication.

'We will do something about it' Environmental monitoring

falls under the jurisdiction of the ministry of environment through the Ogun state environmental Protection Agency (OGEPA). We sought the opinion of Bolaji Oyeleye, the state commissioner of environment on how the company could be allowed to carry on with its dangerous activities in the state.

"We have had problems with those companies in that community in the past, but it is something we are looking into. We will definitely do something about it." Oyeleye said by phone.

However, civil servants who didn't want to be named confirmed that the ministry is seeking to balance attracting investments and protecting the people's health. It is not difficult to see that business clearly is winning.

"It is clear the community is seriously polluted, this should call for an emergency," said Leslie Adogame, executive director of SRADEV. "What needs to be done is to carry out remedial activities on the land and move everyone out."

However, Vikas Das, the managing director of Everest Metals Ltd presented an environmental approval issued by the Ogun State Environmental Protection Agency (OGEPA) as evidence that it was complying with the state's laws. The only problem is, it expired in March this year.

Enquiries at OGEPA showed that when the company was being established, it was compelled to install facilities that will mitigate the consequences from its activities. According to the statutes setting up the agency, it has to serve series of notices before it can seal up a defaulting company.

While the government agency checks off each box on its bureaucratic forms, residents in the community endure lead pollution. Blood tests conducted on residents showed children had average blood levels of 19.8 micrograms per decilitre, adults had average levels of 21 micrograms per decilitre and workers in the factory had average levels of 44.6 micrograms per decilitre.

At above 5 micrograms per decilitre, the US Centre for Disease Control (CDC) regards it as a reference level at which it recommends initiating public health actions.

The World Health Organisation (WHO) says blood lead above 10 micrograms per deciliter, is a high level of concern and classifies it as lead poisoning.

Funmilayo Kuti, the general manager of OGEPA when contacted requested for a letter before she can issue a response. This was sent to her through her email, but she did not respond until publication date, almost one week later, through her press officer.

"She wants you to come to her office and submit it physically," Kemi Oyeleye, the press officer said on the phone.

It was understandable why the community leaders said they made representations to the National Environmental Standards and Regulations Enforcement Agency, (NESREA) office in Ibadan. The officials merely visited the community and went into the company and nothing has since been done.

Antonio Ayodele, general manager of Lagos State Environmental Protection Agency (LASEPA) in an interview identified funding as one of the challenges militating against the organisation's efforts to enforce provisions of Lagos environmental regulations guiding the practice as well as other infractions by operators but said the state will continue to ramp up enforcement of environmental laws.

Since state officials were not permitted to speak on record to the press, we visited NESREA office in Abuja to meet with the director general. But on the agreed date, he was summoned by the national assembly and the meeting could not hold. However, the result of this investigation was shared with a senior director of the agency.

The response mirrors the same remarks made by the director general Lawrence Anukam, when I interviewed him in his office in February last year on a related story about hazardous artisanal lead acid battery recycling. He mentioned poor funding to effectively monitor the state and inability of operators to operationalize and Extended Producer Responsibility (EPR)

The Federal Government has developed a National Environ-

mental Regulations with provision for the EPR. The EPR shifts the responsibility for waste management from government to private industry, obligating producers, importers and/or sellers to internalise waste management costs in their product prices and ensure safe handling of their products.

The battery producer is tasked with monitoring of their products from cradle to cradle and administers recovery and recycling programmes through the PRO. On the other hand, the government would monitor compliance, ban designated hazardous materials from use in products and/or disposal, establish relevant environmental standards, register and accredit recyclers as Authorised Treatment Facilities (ATF), and issue permits.

NESREA has developed operational guidelines that explore the use of economic instrument to ramp up compliance but enforcement as regards ULABs has not received the attention it required leading to the pollution in Ipetoro.

Over a year after, Anukam, said sector players have now nominated a PRO and would soon operationalize the EPR, operators are yet to fully agree on the modalities for setting up the organisation.

In November, President Muhammadu Buhari signed a new NESREA amended law which empowered the agency to tackle perceived environmental threats, pollutants as well as impose stiffer penalties and fines on illegal trafficking in wildlife, endangered species and poaching.

"In the past, environmental crimes attract paltry fines and levies, with the amendment, the courts are now at liberty to impose stiffer fines that are commensurate to the gravity of the crime committed," says a statement by Oyofe Sule, deputy director of information of NESREA.

So it seems the only thing holding back the agency now is money to buy petrol for their cars.

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S/N	Approved Companies
1.	Zero Transport Ltd
2.	Zeta Power Ltd
3.	Marken Industries Ltd
4.	Charzom concept Ltd
5.	Sangshin Metal Ltd
6.	Chiwet Resources Ltd
7.	Investrade Ltd
8.	ADFAP Metal Ltd
9.	Optimex Global Solutions
10.	Mtalbros Ltd

Companies approved to export hazardous waste in Nigeria