



Office of the Executive Director

REPUBLIC OF LIBERIA
ENVIRONMENT PROTECTION AGENCY

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Press Statement on New Republic Article

The EPA has read with dismay and serious concern, disinformation contained in yesterday's online edition of the New Republic Newspaper (9 March 2020) which highlights unfounded allegations and misinformation about the EPA intended to malign the impeccable reputation of the institution and its Hon Executive Director.

Wherever the origin of the allegations, the article contains a compounded sum of falsehoods and contradictions of the Environmental Protection and Management Laws of Liberia (EPML) coupled with issues of hearsay and flaws of illegitimacy regarding the regulatory mandate of the Agency. Secondly, the article seeks to impugn the character of the Hon. Nathaniel T. Blama, the Executive Director of the EPA, his exemplary leadership style, and unwavering commitment to serving the people of Liberia alongside the management team he has established at the Agency. These are clear indications of unprofessional and unethical journalism where biased ulterior motives, lies and fallacies, and 'personal self-intent' overrule the proper balance of facts. At the EPA, we deem this as being counterproductive to the critical work that the Government of Liberia through its agencies is doing for the forward march and development of Liberia.

The EPA takes compliance with the laws of Liberia as well as the professional ethical and moral conduct its officials very seriously and therefore issues these statements concerning the news report:

1. The article alleges that Dr Blama has "increased renewal and permit fees without the knowledge of the board". It further alleges that a number of agricultural companies are paying USD\$11,000 in fees when "it used to be around US\$5,000".

The public should be informed that **sections 29 and 45** of the Act Establishing the Environmental Protection Agency (EPA Act) approved on November 26, 2002 and published by the Authority of the Ministry of foreign affairs Monrovia, Liberia on April 30, 2003, together with the Environmental Protection and Management Law of Liberia, respectively, mandate the EPA to charge fees on permits for the approval of environmental licenses and other regulatory requirements which enable the EPA to review the compliance

of environmental projects with the standards of sustainable management of the environment.

The EPA has diligently put in place a clear administrative process for the review of project briefs and has a robust Compliance and Enforcement Department which independently ensures the implementation of the all rules, regulations and procedures relating to the environmental impact assessment. This regulatory process undergoes review every five years after the implementation date to ensure continued compliance and effectiveness. On this basis, the EPA relies on these two (2) supplementary regulations:

- a. The Environmental and Social Impact Assessment Procedure Guidelines of 2017; published on the website of the Agency at:
http://www.epa.gov.lr/sites/default/files/EIA_PROCEDURAL_GUIDELINE_FINAL_2017.pdf and
- b. The 2016 Environmental and Social Impact Assessment Fees Regime (RI/ESIA 001-10/16) published on October 16, 2016 on the website of the Agency at;
<http://www.epa.gov.lr/sites/default/files/FEE%20REGIME%20ESIA%20Final%202016%20ADJUSTED.pdf>. Notably, this regime is based on the outcome and recommendations of the ESIA Internal Reviewed Committee issued on September 26, 2016.

Indeed, it is evident that the current fees regime is a mandate of the law and was established by the Agency prior to the appointment of the current management team led by Honorable Nathaniel T. Blama Sr. and his able Deputy Hon. Randall M. Dobayou.

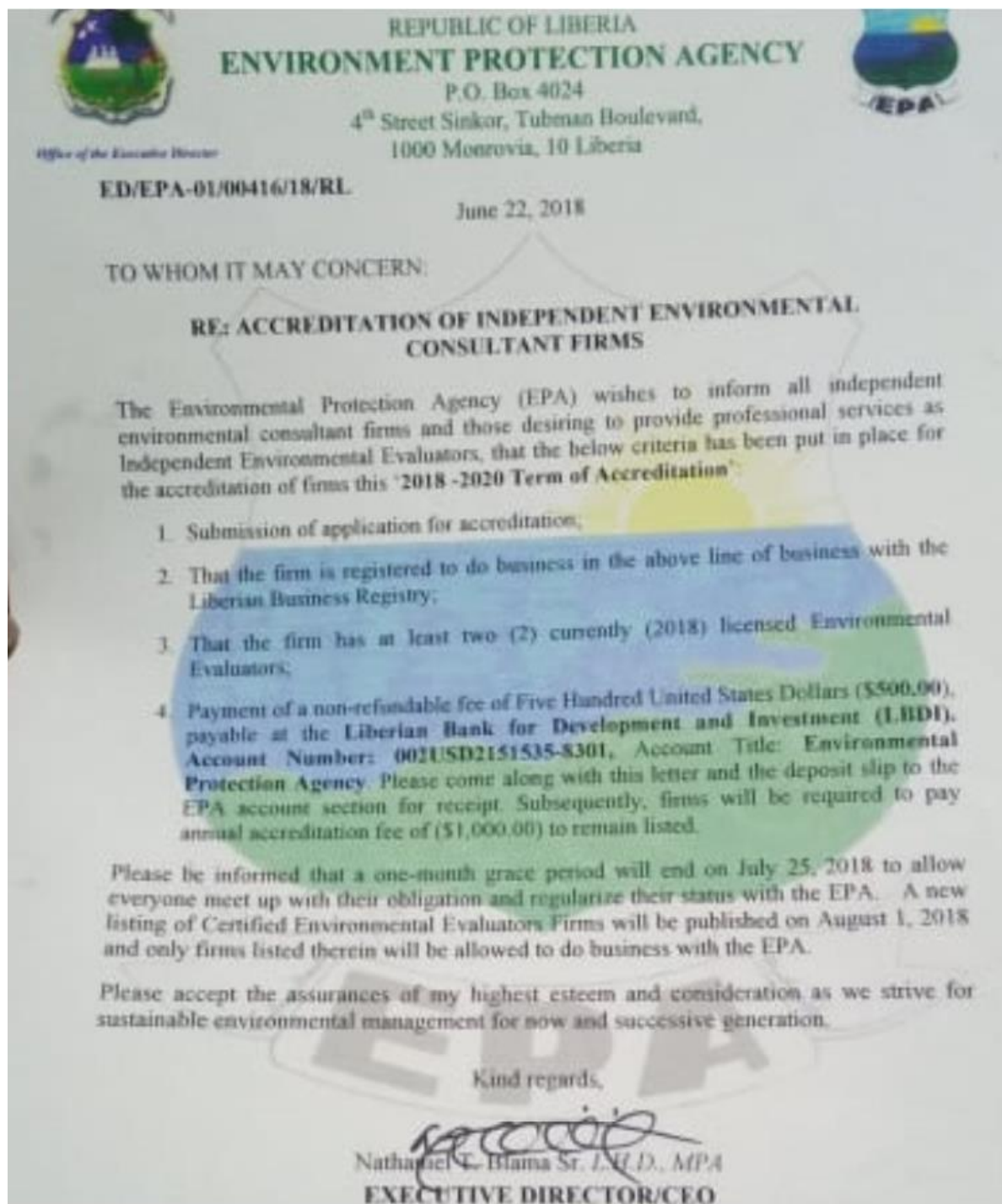
For further evidence on fees payment, the EPA invites the public to counter check with the Agency's ESIA Unit and Finance Department which would reveal that the fees for agricultural projects communicated under the previous EPA administration remain unchanged, meaning there has been no arbitrary increase in fees levied for the acquisition of Environmental Assessment permits or licenses since the Executive Director's appointment.

See evidence of charges of fees for similar project undertaking during previous administration in 2017, comparatively with the current administration under the leadership of Hon. Blama Sr. also see evidence of the Agency Account Number to dispel the fallacy that monies are being wired to personal accounts.

2. The article also makes allegations concerning the Executive Director's directive for "concession companies to hire a third party company to monitor and carry out assessment of their project sites" when these are functions of the EPA. This is another piece of gross

misinformation. The EPML clearly outlines the duties of the EPA in an Environmental and Social Impact Assessment process i.e. (a) to develop and implement regulations establishing the procedures for evaluating the impact of the proposed project; (b) maintain a Registry of the names and qualifications of approved consultants from which the Agency, in consultation with the Line Ministry, shall authorize a consultant to prepare an environment impact study; and (c) employ and train such personnel as may necessary to ensure effective compliance by project proponent/applicant with the environmental impact assessment requirements under the law.

In furtherance of the above, the Agency conducted an ESIA Licensure training in 2018 for Environmental Consultants or evaluators, and based on the criteria outlined above, as seen in the communication below, twenty one (21) firms were declared fully compliant with the Agency's requirements, were accredited and incorporated into the Agency's Registry as the only License Environmental Consultant firms to undertake environmental-related studies in Liberia. The law, therefore permits licensed consultants to conduct and prepare environmental impact reports, audits and management plans which the EPA is mandated to review.



Communication by the Agency to firms seeking Accreditation for Environmental Consultant Services

3. On the allegations relating to the Executive Director being a signatory or managing partner in Planet Management Services and thereby utilizing this connection for solicitation of money for personal use, the EPA notes these as lies constructed in the form of a personal attack against the reputation of the Honorable Executive Director of the EPA. As

previously stated, there is defined criteria developed by the Agency for the issuance of accreditation to environmental consultant firms. This process is conducted every two (2) years during a training cycle of Environmental and Social Impact Assessment Consultants and members of environmental Units of relevant lines Ministries, Agencies, and Commissions (MACs) as required by the Environmental Protection Agency Act and Environmental Protection and Management Law of Liberia. Additionally, there is no such company or institutions involved in environmental-related matters term as Planet Management Services, but rather Planet Resources Management Inc. whose qualification is based on both the legal, administrative, and scientific criteria outlined by the law.

The Agency also has a unique record of all its Environmental Consultant Firms and the level of professional work done by each institution across Liberia. The EPA is completely independent or neutral as per the requirement of its procedure relative to firms hiring the services of ESIA Consultant firms. Any members of the public may contact the umbrella organization Union of Certified Environmental Professional of Liberia (UCEL), headed by Mr. Dweah Siehwloh Borley as its President for clarification on these matters. It is important to note that the practice of the licensed environmental consultants is guided by a ‘**code of professional ethics**’, consistent with the EPML.

4. **The article further makes statements that Garson Steel** was abruptly shut down based on its refusal to pay kickbacks to the EPA. The utter lack of evidence of the allegations speaks volumes of the writer’s true intent to defame the character of the Agency and that of the Executive Director. In addition, this is a deliberate misinterpretation of the enforcement and compliant mechanism of the EPA.

The EPA is mandated to ensure sustainable environmental protection and management within Liberia and regulates all project developers or proponents operating in Liberia. In light of this mandate, on December 10, 2018 the EPA wrote to **Garson Steel**, requiring the regularization of the company’s status with the Agency by ensuring renewal or acquisition of a valid Environmental Assessment Permit for operations of their facilities and institutions.

Please see the attached post.

In keeping with the role and responsibility of Environmental Inspectors as per the EPA Act and EPML, Environmental Inspectors in their routine function, inspected the facility of Garson Steel, and realized several issues of non-compliances with key findings as following:

- a. Unsustainable waste management practice,
- b. Occupation health and safety issues with workers being poorly attire with PPEs

- c. A poor wash water system and control of wastewater onsite.
- d. And upon request, the presentation to the Environmental Inspectors of an ESIA permit issued on November 16, 2017, containing permit coding completely different from the actual permits coding that are issued by the Agency.

Against this backdrop, a citation for a meeting at the level of the Inspectorate was issued and slated to take place on September 16, 2019 at the Agency, for verification and validation of the controversial issues relating to the permit, Our own Mr. Arthur Tulay was engaged during this inspection.

Pursuant to the above, the management of Garson Steel was issued with a “Notice of Non Compliance” (operating under invalid Environmental Permit), an invitation for Conference on October 14, 2019 within the Awareness Theatre of the Agency slated for October 16, 2019, however the Garson Management refused to attend the conference.

On November 12, 2019 a “Final Notice of Violation” (operating under unidentified Environmental Permit) was issued and a request made for a conference with the Agency on November 14, 2019 within the Awareness Theatre of the Agency.

In that meeting the management of Garson Steel was represented by its CEO Mr. Alexander K. Garley who stated that he could not respond to the validity of the permit considering that at the time of the permit issuance he was not a part of the Garson Steel Management but confirmed that the company hired a consultant - Mr. Dweh Bowley of Liberia Environmental Services to conduct environmental studies on their behalf. Due to the limited information provided, Mr. Garley was dismissed. A special team was setup to further investigate the issue of forgery relative to the permit issuance. The findings of the team indicated that:

- a. The permit contained an issuance date of November 16, 2017, due to expire on 15, November 2019
- b. Ironically, the record of the Agency indicated that Garson Steel had engaged the Agency on February 13, 2018 for renewal of its permit via the signature of a certain Mr Konah Kaliku
- c. The Agency communicated a response for renewal on February 27, 2018 under the signature Urias Goll the then Deputy Director of the EPA, instructing the management of Garson Steel to submit an Environmental Audit report together with the permit renewal fees of One Thousand, Three Hundred Fifty United States Dollars (US\$1,350), payable at the Liberian Bank for Development and Investment (LBDI) Account Number 02USD2151535-8301, Account Title: Environmental Protection Agency

Pursuant to the above findings, attempts to reach the management of Garson Steel proved futile, thereby compelling the Agency to act in accordance with the Environmental Protection Agency Act, sections 22 and 38 and the Environmental Protection and Management Law of Liberia sections 21 and 105 to issue a “Shut Down Order”. This was intended to ensure that Garson Steel comes into compliance with the law, noting that the EPA had exercised every other legitimate means of bringing Garson Steel into compliance with the law.

In sum, the EPA would like to emphasize that the gross allegations in the article which bear a reckless disregard for the truth that are leveled against the EPA are made in bad faith. The article amounts to defamatory statements against the Executive Director to which the free speech protection does not apply. There is no protection under the law in Liberia for baseless, malicious and disparaging attacks against any individual, regardless of their position or authority. If these allegations were genuine, the public should have expected to hear from the government authorities responsible for investigating abuse of power. We continue to trust in the ability of the Liberian people to demand professional and ethical journalism that is independent and responsible.

Thank you.