



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY NEMA

SIX DAY TRAINING ON INSPECTION PROTOCOLS

11 -16 AUGUST 2017

NEW DELHI INDIA

Wachira Bore Head of Inspectorate – HIS

NEMA KENYA

Inspection Protocol

At the end of this interaction we will discuss and hope to get a better understanding of

- ◉ Who is an Environmental Inspector
- ◉ The responsibility of an environmental inspector
- ◉ Role of inspection credentials
- ◉ Principals of inspection process
- ◉ Professionalism and high level of ethics

Who is an Environmental Inspector

- **Section 117. of Cap 387 Environmental Management and Coordination Act of 1999**
- **Appointment of Environmental Inspectors**
- By The Director-General
- by Kenya *Gazette* Notice
- Duly qualified persons whether public officer or otherwise, whether by name or by title of office,
- Jurisdiction units shall be indicated

ROLES OF AN ENVIRONMENTAL INSPECTOR

- Monitor compliance with the environmental standards established under EMCA
- Monitor the activities of other sector-specific environmental inspectorates;
- Monitor the pattern of use of environmental resources;
- Conduct environmental audits; and perform such other functions as may be required under EMCA.

Privileges of Environmental Inspector

- Enter any land, premises, vessel, motor vehicle or ox-drawn trailer
- Require the production of, inspect, examine and copy licences, registers, records and other documents relating to EMCA
- Take samples of any articles and substances to which EMCA relates
- Carry out periodic inspections of all establishments and undertakings within their respective jurisdictional limits which manufacture, produce as by-products, import, export, store, sell, distribute or use any substances that are likely to have significant impact on the environment, to ensure that the provisions of this Act are complied
- with;

Privileges of Environmental Inspector

- seize any article, vessel, motor vehicle, plant, equipment, substance or any other thing which he reasonably believes has been used in the commission of an offence under this Act or the regulations made thereunder;
- with the written approval of the Director-General order the immediate **closure** of any manufacturing plant or other establishment or undertaking which pollutes or is likely to pollute the environment

Privileges of Environmental Inspector

- Issue an **improvement notice** requiring the owner or operator of any manufacturing plant, vessel, motor vehicle or other establishment or undertaking to cease any activities deleterious to the environment and to take appropriate remedial measures, including the installation of new plant and machinery if necessary, within such reasonable time

Privileges of Environmental Inspector

- with an arrest warrant and the assistance of a police officer, arrest any person whom he reasonably believes has committed an offence under EMCA and
- Install any equipment on any land, premise, vessel or motor vehicle for purposes of monitoring compliance with the provisions of EMCA, upon giving the owner or occupier of the land fourteen days written notice

118. Environmental Inspector's powers to prosecute

Subject to the Constitution

- institute and undertake criminal proceedings against any person before a court of competent jurisdiction (other than a court martial) in respect of any offence alleged to have been committed by that person under this Act; and
- discontinue at any stage with the approval of the Director of Public Prosecutions, before judgment is delivered any such proceedings instituted or undertaken by himself

INSPECTION

Inspection process may be divided into 8 units

- **Roles of and inspector**

- Enforcement overview
- Inspection planning
- Elements of proof
- Onsite inspection process
- Records review, sampling and electronic media
- Writing inspection reports
- After inspection what to expect at the hearing or trial

Responsibility of an inspector

- Assessing a facility against applicable environmental statutory and regulatory requirements permits, terms and conditions
- Gathering and documenting information ,records and data to support a facility's compliance status
- Being Knowledgeable of the specific media your assigned

Responsibility of inspector Cont..

- Identifying potential violations
- Providing information on the operations at a site
- Provide compliance assistance
- Work closely with supervisors, legal officers, police and lead agencies
- To be skilled knowledgeable, prepared and professional
- Environmental Inspectors are official Nema representatives

Responsibility of inspector cont.

- To know your role as a team leader or team member
- Inspection report writing
- You may participate in decision making regarding the level and type of enforcement

The outcome of an inspection could have consequences for the facility namely

- Administrative
- Civil
- Criminal

2. Inspector Credentials

Purpose

- Demonstrate that Environmental inspector is adequately trained and qualified
- Indicate the right and authority to conduct environmental compliance on behalf of NEMA in Kenya
- Show your official representative of Nema to the facility
- Credentials must be current

3.Principles of the Inspection process

link to the Compliance Monitoring system and are

1. Targeting – selection of facilities for inspection
2. Auditing – skills required to know procedures, methods ,techniques, used to obtain factual and objective information.
3. Regulatory – know the statutory regulations, permits likely to be violated
4. Communicating – Report writing. Each element of proof needs supporting evidence
5. Enforcement – Taking the non –compliance identified and making a case

Compliance and Enforcement strategy

1. Compliance monitoring strategies – how facilities will be identified for inspection and frequency
2. Enforcement response policies – guidance on how to determine what action is to be taken for violation
3. Inspection manual
4. Professional and high level of ethics

4. Professional and high level of Ethics

- Means working cooperatively with others
- Be conscious of your role
- Behave in the most ethical manner possible
- Avoid conflict of interest and any appearance of conflict of interest
- Have no vested interest
- Taking of gratuities, compensation or perquisite from the facility owner and management.

Customer service standards

- Environmental inspector shall demonstrate competence and skills
- Be familiar with the media program in which your working – **reply to queries/email**
- Act in a professional manner with owner and staff of facility and treat them with respect and courtesy

Brigadier Slaughter house Bungoma



@ NEMA Inspection Unit

Dandora Damp site



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Nature in action –Destroy Nature Nature will destroy you



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9/25/2017

Equipment Under 80m of sewage



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Further Reading and certification by United states EPA

- NETI – National Environment Training Institute of www.epa.gov
- Read and answer questions on other 7 units
- Thank you
- Honesty is a very expensive gift. Do not expect it from cheap people



● Warren Buffet

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