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ESAN NORTH EAST/ESAN SOUTH EAST FEDERAL CONSTITUENCY, EDO STATE

Deputy Chairman House Committee on FCT

HOUSE OF REPRESENTATIVES

LEGISLATIVE BRIEF

IN SUPPORT OF A BILL FOR AN ACT TO PROHIBIT THE USE, MANUFACTURE AND IMPORTATION OF ALL PLASTIC BAGS USED FOR COMMERCIAL AND HOUSEHOLD PACKAGING IN ORDER TO ADDRESS ITS HARMFUL IMPACTS TO OCEANS, RIVERS, LAKES, FORESTS, ENVIRONMENT, WILDLIFE AS WELL AS HUMAN BEINGS AND ALSO TO RELIEVE PRESSURE ON LANDFILLS AND WASTE MANAGEMENT AND FOR OTHER RELATED MATTERS (HB. 1437)

Dear Colleagues, kindly consider the following submissions in support of the above named Bill which I humbly propose for passage into law.

LONG TITLE:

An Act to prohibit the use, manufacture and importation of all plastic bags used for commercial and household packaging in order to address its harmful impacts to oceans, rivers, lakes, forests, environment, wildlife as well as human beings and also to relieve pressure on landfills and waste management and for other related matters.

SHORT TITLE:

Plastic Bags (Prohibition) Bill, 2018

INTRODUCTION

The collection and disposal of waste plastic/polythene bags is a growing problem in Nigeria. The use of plastic/polythene bags made of thin plastic film has increased significantly in recent years. The discarding of a large number of these bags results in the degradation of the environment. These non-reusable bags are indiscriminately dumped and not collected for recycling or disposal because the thin plastic films are made of little commercial value. This makes it necessary to have a law prohibiting its continued use, manufacture and importation into the country.

BACKGROUND:

The uncontrolled use of plastic materials (polythene bags) and the arbitrary disposal of same, poses great danger to humanity and even to our environment. These non-degradable materials that litter the country stay for decades without decaying and eventually obstruct our drainages and water channels, thereby causing flooding in certain flood prone communities, thus endangering the ecosystem and contaminating agricultural soil.

Over time, these plastic/polythene bags find their way into the marine environment and are ingested by marine animals thereby choking them. According to statistics, about 94% of all birds have plastic in their stomachs, which is also found in the stomachs of many endangered species. At least 267 different species of animals have suffered as a result of ingestion of plastic. In fact, these results caused Australia to ban bags locally in 2003, in an effort to protect the migrating whales in Tasmania. In Ireland, there is what is known as 'bag tax'. This resulted in a 90% drop in bag usage and a great reduction in spread. The main driver behind bag bans is to reduce how much plastic finds its way into the marine world, so as not to endanger the animals.

The Ministry of Environment reported last year that an estimated 50 billion plastic bags are used annually and that these plastic/polythene bags account for a staggering 20 per cent of municipal solid waste in the country. These plastic bags gravely disrupt the ecological balance, polluting our water and emitting dioxins into food when left in a humid environment or exposed to heat.

In several African countries like Kenya, Rwanda, Cameroon, Guinea-Bissau, Mali, Tanzania, Uganda, Ethiopia, Mauritania and Malawi measures have been adopted to reduce the production and use of plastic bags particularly single use shopping bags through an outright ban or imposition of tax as a means to crackdown on carbon emissions. In Democratic Republic of Congo, the government introduced a Decree to ban the use of plastic bags in the country in 2011.

There are other reasons to ban bags as well. In Kenya, for instance, it is done to stop the spread of Malaria. In Bangladesh, the Philippines and Cameroon, it is done to protect the sewage systems and avoid flooding. In Texas and Indian communities, it is done to protect cows. In Mauritania, 70% of sheep and cattle deaths have been attributed to plastic ingestion. The same concern exists for camels in the United Arab Emirates.

In Rwanda, the ban on plastic bags started in 2008, and airline passengers often have to hand over all their plastic bags. South Africa banned certain plastic bags in 2003 and taxed thicker ones. Botswana put up a fee in 2007 and retailers have reported a 50% drop in bag usage.

OBJECTIVES OF THE BILL:

The Bill has the following as its objectives:

- (a) To prohibit the use, manufacture and importation of all plastic bags used for commercial and household packaging in order to address its harmful impacts to oceans, rivers, lakes, forests, environment, wildlife as well as human life and also to relieve pressure on landfills and waste management;
- (b) To give the National Environmental Standards and Regulations Enforcement Agency (NESREA) and other relevant environmental protection agencies, the statutory foundation to clampdown on those who pollute our environment with the use of plastic bags;
- (c) To sanction anyone who engages in the use, manufacture and importation of plastic bags.

STRUCTURE OF BILL:

The Bill has three Clauses;

Clause one: prohibits the use, manufacture and importation of plastic bags;

Clause two: spells out the penalty to be imposed on any one found guilty of the offence of using, manufacturing and importing plastic bags and

Clause three: gives the citation (short title) of the bill.

NECESSITY OF THE BILL:

Presently, there is no legislation in Nigeria, which prohibits the use, manufacture and importation of plastic/polythene bags in the country. Therefore, the National Environmental Standards and Regulations Enforcement Agency (NESREA), which by law, is amongst other things, saddled with the responsibility of enforcing compliance with regulations on the importation, exportation, production, distribution, storage, sale, use, handling and disposal of hazardous chemicals and waste other than those in the oil and gas sector; (pursuant to Section 8 of NESREA Establishment Act, 2007) becomes handicapped in enforcing international best practices in relation to the use, manufacture and importation plastic bags.

Furthermore, the Environmental Impact Assessment Act, Cap E12 Laws of the Federation of Nigeria, 2004, which takes into account, the impact of any activity(ies) taken or to be taken by any person(s) or authority on the environment, before such activity is taken, has no specific provision prohibiting the use, manufacture, sale and importation of plastic bags.

The absence of legislation in this area, will make it difficult if not impossible, for NESREA's officials to clamp down on those who use, manufacture and import plastic/polythene bags in the country and thus cause harm to our oceans, rivers, lakes, forests, environment, wildlife as well as human life. It is this lacuna that this Bill seeks to fill.

It is no news that plastic bags cost our world a lot and that we are still paying for the many years of plastic bags usage. Therefore, a legislation prohibiting and/or controlling its use, production, importation and disposal is a step in the right direction.

CONCLUSION:

Mr. Speaker, this Bill when passed into Law, will reduce the public health risk posed by the indiscriminate use and disposal of these plastic bags because most are destroyed by burning and they end up releasing harmful toxic gases such as methane, carbon dioxide into the atmosphere, thereby increasing the level of VOCs (Volatile Organic Compounds).

I therefore urge my colleagues to support the passage of this Bill.

Thank you Mr. Speaker and my esteemed colleagues.