

ENFORCEMENT AND CONSUMER PROTECTION

ENFORCEMENT OF THE LPG REGULATIONS

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PRESENTATION OUTLINE

- Mandate Enforcement and Consumer Protection
- Regional Presence
- Surveillance Inspections
- Enforcement Processes
- Consumer Protection
- LPG Compliance Inspection Programme

Mandate of ECP

- Enforce regulations, codes and standards for the energy & petroleum sectors
- Enforce EHS and quality standards for the P&G, ERE, ER in coordination with other statutory authorities for the energy & petroleum sectors
- Enforce directions to ensure compliance with conditions of licenses or permits issued in the Energy & Petroleum sectors
- Investigate complaints or disputes between parties with grievances over any matter required to be regulated under this the Energy Act

Mandate of ECP

- Impose sanctions and penalties on persons who are in breach of any of the provisions of this Act or any regulations made there under
- Develop the Authority's customer service charter and monitor its implementation
- Sensitize and educate stakeholders on EPRA mandate and regulatory changes
- Approve licensee's customer service charters and complaints handling procedure
- Ensure compliance with customer service charters within the Energy sector

Mandate of ECP

- Fuel Marking & Monitoring Programme
- LPG Compliance Inspection Programme

Surveillance Inspections

- Inspections conducted on a weekly basis across all Regions
- Random inspections on Petroleum & Gas facilities, Electricity & Renewable Energy and Economic Regulation
- Inspections also based on recommendations from Technical Audit findings

Surveillance Inspections Cont..

❖ Liquefied Petroleum Gas

- Random surveillance/inspections on petroleum retail stations
- Random surveillance/inspections on LPG Storage & filling facilities
- Random surveillance/inspections on LPG Retail & Wholesale sites
- Random surveillance/inspections on LPG road tankers & LPG cylinders transport vehicles

Enforcement of the LPG Regulations

❖ Offences

- ❑ Unauthorized refilling without permission from brand owner –LN 100 (14)
- ❑ Refilling/retailing of un-embossed, defaced/tampered cylinder
- ❑ Refilling cylinders from unlicensed sites
- ❑ Retail/wholesale of cylinders without seals
- ❑ Possession of illegal seals
- ❑ Damage of cylinders i.e. scrappage, removal of safety valves, altering brand name/symbol/repainting

Enforcement of the LPG Regulations

❖ Offences

- ❑ Unauthorized wholesale/retail of a cylinder without permission from brand owner
- ❑ Retailing and wholesaling of a cylinder that do not conform to the Kenya Standards
- ❑ Transporting more than three (3) filled cylinders without a license
- ❑ Random surveillance/inspections on LPG road tankers & LPG cylinders transport vehicles
- ❑ Keeping of records -LN 100 (18-3)

Enforcement procedures

- Done on non-compliant LPG facilities
- First step is usually issuance of compliance notices as provided for in Section 91 & 99 of the Petroleum Act 2019
- Failure to adhere leads to enforcement sanctions as provided for the in the Act
- Involves use of officers from the National Police Service/ Directorate of Criminal Investigations

Enforcement cont...

❖ Enforcement Methods

- Issuance of show cause letters
- Warning letters
- License suspension/revocation notices
- Demand Notices
- Improvement Notices
- Closure/Demolition Notices
- Prosecution

Enforcement cont...

- ❖ **LPG enforcement in numbers (2019)**
 - 345 LPG sites inspected
 - 3 illegal LPG sites demolished
 - 8 licenses suspended
 - 67 stop orders for non-compliant sites

Enforcement cont...

Offences

Offence	<i>Penalty/Fine in Kenya Shillings</i>
Importation, exportation or transportation of LPG without a valid licence issued by the Authority	Not less than KShs. 10,000,000
Resale of bulk LPG to another person for purposes of export or retail or final use without a valid licence issued by the Authority	Not less than KShs. 1,000,000
Use of a vehicle for purposes of transport of bulk LPG that does not possess a valid permit issued by the Authority	Not less than KShs. 1,000,000
Driving a vehicle or engaging a driver for the purpose of transport of bulk LPG without a valid driver certificate issued by the Authority	Not less than KShs. 250,000

Enforcement cont...

Offences

Offence	<i>Penalty/Fine in Kenya Shillings</i>
Non-display of original or certified copy of licence or permit issued by the Authority at the premises of operation	Not exceeding KShs. 1,000,000
Operation of a non-licensed LPG facility	Not less than KShs. 10,000,000
Import of LPG through undesignated routes	A fine not less than Kshs. 200,000
Supply of Bulk LPG to facilities not licensed under these Regulations other than LPG consumer facilities.	Kshs. 500,000 for each delivery to a non-licensed facility

Safety Information on LPG cylinders

Company details:

- a. Brand name.
- b. Customer service number.
- c. Emergency contacts.
- d. KEBS standardization mark.

What to check when buying LPG during cylinder refill:

- a. Check condition of valve.
- b. Weight of cylinder against tare weight.
- c. Check that the seal is intact and genuine.
- d. Request cylinder use demonstration if not sure.

Safety Information on LPG cylinders

How to handle and store:

- a. Keep the cylinder in upright position when transporting and storing.
- b. Observe separation distance between cylinder and stove/ cooker/ oven
- c. Keep the cylinder in an airy place.
- d. Do not rollover, throw or bang the cylinder.
- e. Do not store cylinders in exits or aisles.
- f. Avoid exposing cylinders to rain and direct sun.

Safety Information on LPG cylinders

How to use LPG cylinder

- a. Ensure the hose, regulator or burner is well fitted.
- b. When using a rubber hose, ensure there are no visible cracks. Replace hose after three years.
- c. Strike match before turning on LPG burner or regulator.
- d. Never leave the burner un-attended during use.
- e. Ensure to turn off LPG burner or regulator after use.
- f. Ensure that you get LPG from genuine gas suppliers and source.

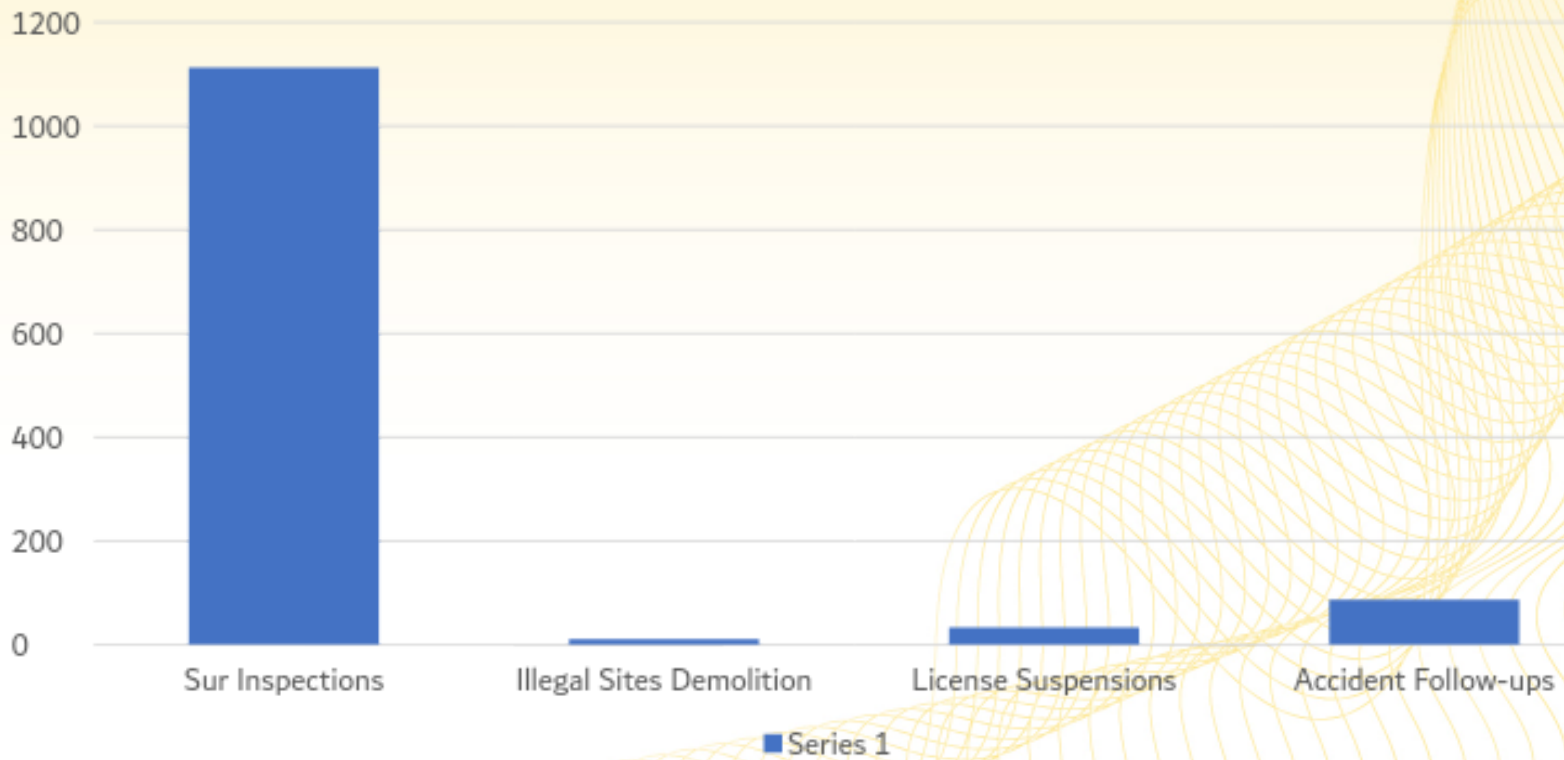
Safety Information on LPG cylinders

What to do in case of LPG leakage:

- a. When you smell LPG odor, do not panic.
- b. Don't turn on any electrical appliances or light switch.
- c. Turn off LPG regulator.
- d. LPG is heavier than air; hence open the lowest openings such as doors, in addition to windows.
- e. Remove the cylinder out of the room.
- f. Inform the wholesaler or the brand owner.

Enforcement cont...

S & E In Numbers



Enforcement cont...



Enforcement cont...



Enforcement cont...



Enforcement cont...



Enforcement cont...

❖ Information Gathering

- Surveillance Inspections
- Intelligences from other Govt agencies i.e. KRA, NIS, NPS
- Complaints reporting
- Recommendations from technical audits findings

Enforcement cont...

❖ Enforcement Instruments

- Energy Act 2019, Petroleum Act 2019
- Other relevant Acts (EMCA, 1999, OSHA 2007 etc)
- Regulations
- Kenya Standards
- Policies (Compliance & Enforcement Policy)
- Penal Codes

Consumer Protection

❖ Key functions

- Implement Consumer Protection Policy
- Maintain complaints register
- Sensitize and inform public through forums
- Resolution of complaints within 30 days
- Enforce recommendations on accidents/incidents from technical directorates

Consumer Protection (LPG Matters)

- Report any complaint to the Authority
- Complaints on under filling, illegal retail and wholesale
- Accidents and incidents

LPG Compliance Inspection Programme

Monitor LPG Compliance Inspections as follows :

1. Inspect LPG Storage and filling facilities
 2. Inspect LPG Wholesale and Retail Sites
 3. Inspect LPG road tankers across the country
 4. Close down/Demolish illegal LPG sites
 5. Inspect LPG cylinder revalidation plants
- The services undertaken by Bureau Veritas Kenya Limited.
 - Done on a monthly basis in conjunction with EPRA staff
 - This has been in force since 2015.

LPG Compliance Inspection Programme

Activity	Sites Inspected	Compliant	Non-compliant	Percentage
LPG Road Tankers	83	75	8	90
LPG Wholesale & Retail Sites	1300	450	850	40
LPG Storage sites	28	24	4	81
AVERAGE				83.33

LPG Compliance Inspection Programme

Major milestones:

- Sealing of unlicensed facilities now on real time basis.
- Technical audit findings now being implemented
- Demolition powers now in the Act hence no need of court orders-lengthy.

QUESTIONS???

END