

BRANDS & PROs

EPR GUIDANCE



nema
mazingira yetu | uhai wetu | wajibu wetu



**Extended Producer Responsibility
Guidance.**

Contents

ABBREVIATIONS

1.0

Introduction

1.1

Kenya's waste crisis

1.2

The Objective of the Guidance

2.0

Circular Economy Policy Landscape in Kenya

2.1

International obligations

2.2

Regional Commitments

2.3

National Legislative Framework

3.0

EPR Concepts & Implementation Models in Kenya

3.1

Step by Step of Complying with Kenya's EPR System

3.1.1

EPR Compliance Schemes registration

3.1.2

Preparation and Submission of EPR Plans

3.2

Informal Waste Pickers Integration in EPR Implementation

3.3

Stakeholder Roles & Responsibilities

3.3.1

PROs

3.3.2

Producers(importers & brands)

3.3.3

Informal waste pickers and recyclers

3.3.4

Retailers

3.3.5

Consumers (individual/ tourism and hotel industries)

3.3.6

County governments

3.3.7

National government

4.0

Appeals

5.0

Recommendations for a successful EPR implementation in Kenya

5.1

Stakeholder Identification

5.2

Consumer engagement & awareness

5.3

Research and Development

5.4

Increased investment in waste management services and facilities

GLOSSARY OF TERMS

REFERENCES

ACKNOWLEDGEMENTS

CONTACTS



Abbreviations

EMCA	Environmental Management and Coordination Act
EPR	Extended Producer Responsibility
IPRN	Producer Responsibility Number
KEPSA	Kenya Private Sector Alliance
Ksh	Kenyan Shillings
MARPOL	International Convention for the Prevention of Pollution from Ships
MRFs	Material Recovery Facilities
NEMA	National Environment Management Authority
NET	National Environment Tribunal
NHIF	National Health Insurance Fund
PERN	Producer Extended Responsibility Number
PET	Polyethylene Terephthalate
PPEs	Personal Protective Equipment Producer
PROs	Responsibility Organisations
SHIF	Social Health Insurance Fund
SWM	Sustainable Waste Management
UNCLOS	United Nations Convention on the Law of the Sea
WSPs	Waste Service Providers





Introduction



Kenya's waste crisis

Kenya is keen on accelerating its economic and social growth to provide ideal standards for its citizens and position itself as a regional and global economic hub.

The country has developed and begun implementing Vision 2030, a long-term development blueprint that aims to transform Kenya into a *“newly-industrializing, middle-income country providing a high quality of life to all its citizens in a clean and secure environment.”*

Increased industrial development, rural-urban migrations, urbanization, importation and improved citizens' living standards significantly increase waste generation across the country. Heavy reliance on the linear economic model underpinned by a take-make-use-dispose approach in Kenya is exacerbating pollution, biodiversity loss, and the extent and magnitude of climate change impacts.

Moreover, most of the industries in the country overexploit natural resources beyond their regenerative capacities leading to biodiversity loss and affecting normal functionality of ecosystems.

Kenya National Bureau of Statistics survey in 2018 pinpointed that there was a 39.1 per cent increase in raw materials value due to high demand leading to overexploitation.

Across Kenya, the use of plastic as packaging materials is quite ubiquitous. Most companies use a range of plastic materials from polyethylene terephthalate (PET) bottles, disposable cutlery and multiple layer laminates to package, protect, handle and deliver their product.



966

mln tonnes

In-depth data indicate that Kenya generates nearly 966,000 tonnes of waste annually, with plastics accounting for 10-12%.

15% of the plastic waste is generated in landfills, and 18 % is recycled, with the rest at 67% unsustainably disposed of in the environment.



39%



E-waste

The country is also grappling with other forms of waste, with the National Environment Management Authority (NEMA) indicating that e-waste accumulation is “reaching an unsustainable level” due to poor management practices. Open incineration of e-waste increases emissions of toxic substances such as beryllium, cadmium, and dioxins, among others.

Glass waste

Furthermore, Kenya faces a rapid environmental risk from an increasing generation & unsustainable disposal of glass waste. In Kenya, most recyclers prefer recycling clear glass bottles over coloured ones, leading to an accumulation of coloured glass bottles in open dumpsites, landfills & the environment. Humans and animals exposed to glass waste are prone to lacerations, among other serious physical injuries.

Textile waste

Further, textile waste is becoming a significant problem in Kenya. Contemporary surveys reveal that over 900 million items are sent to Kenya as second-hand clothing with one in three items containing synthetic fibres such as polyester. Second-hand clothing in poor conditions is incinerated, exposing people to toxic fumes. Other textile materials are disposed off in the environment, blocking drainage channels, disrupting river flows and harbouring disease-causing pathogens. Additionally, dumped second-hand clothes disintegrate into microplastics that humans and animals ingest.

Metal waste

Data reveals that nearly two percent of the solid waste generated in Kenya is metal waste. However, most of the waste is recovered by informal waste pickers selling to recycling companies.

Engine oil

Well-grounded evidence indicates that close to 60 million litres of new engine oil or lubricants is introduced into the Kenyan market annually. Half of the oil is lost in its intended use, either burned or worn down by machinery. However, close to 30 million litres of hazardous oil waste is generated annually in Kenya. Improper disposal, storage, transportation and treatment of used oil pose severe environmental and public health hazards due to its insoluble, toxic additives and heavy metals composition. Despite NEMA’s efforts to regulate hazardous waste management, urban areas are mostly littered with spills from used oil and packaging materials of new lubricants.



Other waste

Other hazardous waste accumulating in the environment across Kenya include agrochemicals, cosmetics, pharmaceuticals, veterinary, paints and solvents. Kenya’s major urban areas and hinterlands are mainly characterized by the widespread disposal of used diapers, which is aggravating the unsanitary conditions. Diaper composition includes non-biodegradable materials that break down into microplastics, leak into food chains.

Kenya faces huge setback in biodiversity conservation and preserving her aesthetic value due to voluminous waste from various sectors. Given the increasing demand for raw materials, industrial growth and population, Kenya urgently needs to embrace circular economy and sustainable waste management (SWM) practices. It is against this backdrop Kenya has introduced the Extended Producer Responsibility (EPR) 2024 obligating producers to bear the financial or physical responsibility of managing waste

emanating from the products they introduce into the market. However, EPR and circular economy approaches are intricate that require dissemination of concise and brief information to create widespread awareness. Thus, the Kenya Private Sector Alliance (KEPSA) through the **Plastics Producer Responsibility** project funded by USAID under Prosper Africa has developed this Brands and PRO Guidance to provide simplified information on complying with the country’s EPR systems.

The Objective of the Guidance



This guidance aims to equip and brands and PROs in Kenya with adequate knowledge to strengthen the national call for sound waste management in an entire production lifecycle.

The specific objectives of this guidance include:



Contribute to the implementation of the Extended Producer Responsibility regulations to achieve sustainable waste management.

1



Strengthen waste prevention & minimization measures to reduce environmental negative impacts.

2



Encourage knowledge sharing and awareness of best waste management practices.

3



Improve monitoring & assessment of waste practices to generate a science-grounded tracking approach.

4



Streamline collaboration & partnerships to achieve environmental ly sound waste management targets.

5



 **Circular Economy**

Policy Landscape

in Kenya

Kenyan policies, strategies, and action plans related to the circularity agenda and SWM strengthen the Constitution of Kenya's (2010) recommendations to achieve sustainable development by eliminating harmful anthropogenic activities. A close examination of Kenyan intricate legal documents championing various environmental concerns between 1948 and 2015 have evolved from 'what not to do' to vesting powers to specific government entities to control harmful human practices. The contemporary legal documents recommend sustainable utilization of natural resources within their regenerative capacities and practices to minimize environmental and human health risks.



International obligations

Basel Convention



The convention aims to minimize the generation and movement of hazardous waste dangerous to human health and nature through sustainable environmental management.

Producers, PROs and waste service providers (WSPs) must work in unison to ensure that hazardous waste identified in this convention is managed, treated and disposed off within the provisions of the national laws to avoid unnecessary transboundary movements.

International Convention for the prevention of pollution from Ships (MARPOL 1994)



The MARPOL is regarded as the main convention that covers the prevention of pollution of the global marine environment from ships from operational or accidental causes.

Companies and PROs established to assist producers importing petroleum products manage waste shall ensure contracted WSPs avoid leaking residues into the fragile marine areas to prevent contamination and pollution.

Montreal Protocol



The Montreal Protocol on Substances that Deplete the Ozone Layer, adopted in 1987, is a global treaty to protect the Earth's ozone layer from nearly 100 manmade ozone-depleting substances. Moreover, brands and

PROs shall refer to Environment Management Coordination Act (EMCA) 2015 (Controlled Substances Regulations, 2020) to acquire further licensing and approval to manage and dispose off waste likely to deplete the stratospheric ozone layer.

Global Plastics Treaty (Zero Draft)



Global countries are preparing this legally binding agreement that stipulate clear and tangible steps and timelines to address the growing plastic pollution menace.

The treaty calls for phasing out of unnecessary plastic products posing a high pollution risk, product redesign to decrease plastic production and robust technical and financial assistance to uphold just transition.

International Covenant on Civil and Political Rights



Article 8 calls for the elimination of harmful trade practices that violate human rights, including forced or compulsory labour. Kenya's incremental transition to a circular economy through the EPR systems must uphold the elimination of discriminatory and conservative practices hindering the involvement of women, persons living with disabilities and other marginalized groups in engaging in waste management practices and accessing income-generating activities in the sub-sector.

United Nations Convention on the Law of the Sea (UNCLOS)



The convention requires states to preserve, protect and conserve the fragile ocean ecosystems. Brands and PROs must ensure that contracted informal waste pickers and WSPs avoid disposing off waste into the marine environment to uphold UNCLOS recommendations.



Regional Commitments

Bamako Convention



Bamako Convention was developed as a response to Article 11 of the Basel treaty that encourages regional agreements, and bilateral and multilateral agreements to address hazardous waste. Bamako Convention primarily focuses on preventing the dumping of hazardous within the continent.



Nairobi Convention



The convention is characterized by partnerships between governments, the private sector and civil society to offer a legal framework for protecting the marine environment in the Western Indian Ocean Region. Mainstreaming circular economy innovations in managing agricultural and industrial practices prevents waste leakage into the environment's fragile ecosystems

National Legislative Framework

Constitution of Kenya 2010



Chapter Four of the Bill of Rights, specifically Article 42, asserts that every citizen has a right to a clean and healthy environment.

Article

42 of the Constitution of Kenya 2010 states that every citizen has the right to a clean and healthy environment.

Furthermore, the Article guarantees the right to protect the environment for the benefit of present and future generations, as well as legislative and other measures, particularly those contemplated in Articles 69 and 70.

The Sustainable Waste Management (Extended Producer Responsibility) Regulations 2024



The EPR Regulations provide a framework for establishing mandatory EPR schemes. The EPR schemes will facilitate sustainable harnessing of resources, encourage innovation, increase waste collection and recycling and explore packaging material alternatives.

Producers are obligated to bear financial or physical responsibility for the post-consumer stage of their product life cycles. Kenya's Ministry of Environment and Forestry led in developing the EPR Regulations.

Sustainable Waste Management Act 2022



The Act imposes several responsibilities on public and private entities demanding the adoption of environmentally conscious business practices. The SWM Act 2022 is underpinned by the following propositions: the precautionary principle, the polluter pays principle, payment for ecosystem services, and the zero waste principle.

Investing in green infrastructures and innovations such as material recovery facilities (MRFs), as captured in Section 14 of the Act, are recognized as catalysts to attain sustainable waste management in Kenya. Further, Section 13 of the Act imposes a mandatory EPR to any individual or entity (producer) introducing a product into the Kenyan market.

Environmental Management and Coordination Act 1999 (Rev Ed. 2015)



The Act advocates for environmental protection through three primary strategies, environmental impact assessment, environmental audit and monitoring and environmental restoration orders, conservation orders, and easements.

The Second Schedule specifies types of projects including those dealing with waste disposal that require submission of an Environmental Impact Assessment report.

NEMA is established under this Act as the principal instrument of government to aid in implementing environmental-related policies and exercise general supervision and coordination over all environmental matters.





EPR Concepts & Implementation Models in Kenya

Implementing the EPR system in Kenya has been recognized as an ideal pathway to championing the transition to a circular economy.

Figure below depicts a strategy of relying on the EPR system to transition to a circular economy in Kenya.

EPR Enforcement Activities

Producer Roles

- Submit EPR plan under individual or collective scheme.
- Evidence of EPR scheme compliance.

EPR Scheme Activities If NOT compliant

- Quarterly audit/ monitoring
- Compliance assistance
- Inspection
- Restoration order
- Prosecution

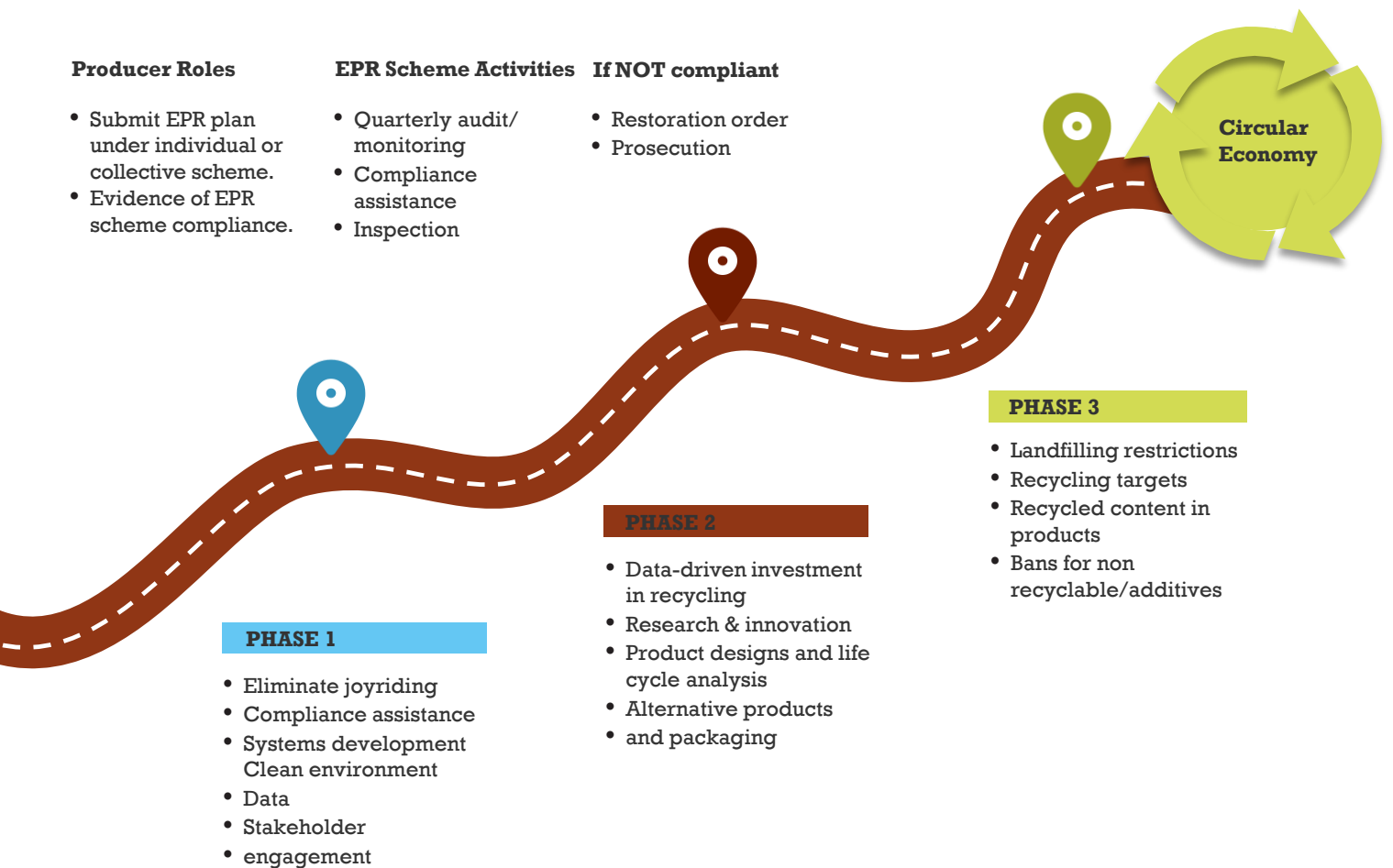


Figure 1: EPR assisted compliance strategy in Kenya

Phase 1 of the strategy aims to ensure that all producers/waste generators comprehend and are committed to the EPR system. NEMA, among other stakeholders, is crucial at this phase in increasing awareness of the EPR and assisting producers in understanding the concepts of their EPR schemes.

Producers, either in the individual or collective schemes, are required to submit their EPR plans to NEMA detailing products and their volumes introduced into the Kenyan market,

waste estimates to be recovered, and the recovery method, whether through individual or collective models, as evidenced in figure 2 below. Under the individual EPR scheme, producers are required to contract WSPs to manage waste emanating from their products.

On the other hand, a collective scheme allows producers to transfer their individual responsibility of managing waste to a PRO.



EPR Implementation Models

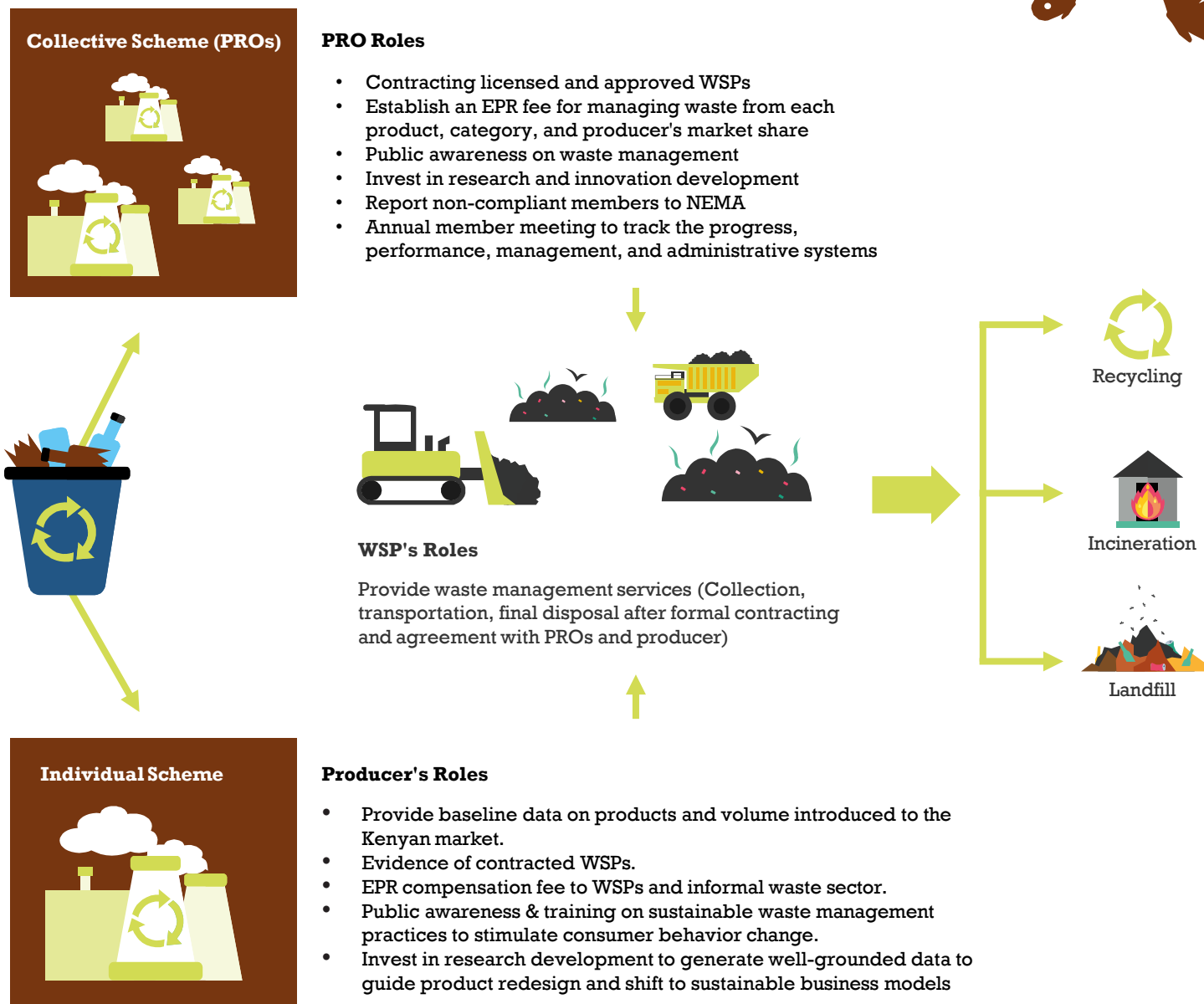


Figure 2: EPR Implementation Models in Kenya

Phase 2 of the EPR-assisted compliance strategy in Kenya is an integral and transformative period that advocates for the use of well-evidence data to revolutionize waste management through increased investment in best practices such as recycling. Research will play a crucial role in generating sustainable and action-oriented interventions and technologies to increase recycling, product redesign and explore alternative packaging materials. In addition, data will be utilized to improve the inspection, monitoring and evaluation of each producer's EPR scheme progress. NEMA directs that all producers must submit updated EPR plans annually due to dynamic market forces such as the increase

of geographical areas of operations, and changes in consumer preferences among others. The Authority will conduct quarterly audits to review producers' compliance with their EPR schemes. Phase 3 discourages unsustainable waste management practices such as landfilling that degrade the environmental quality. Other key measures include a ban of nonrecyclables, toxic substances and additives, and increased recycling targets for each producer to encourage a closed-loop system. One of the key outcomes of this phase is promoting the consumption of products produced from recycled content to eliminate harmful consumer preferences that uphold the use of new items over repaired or recycled.

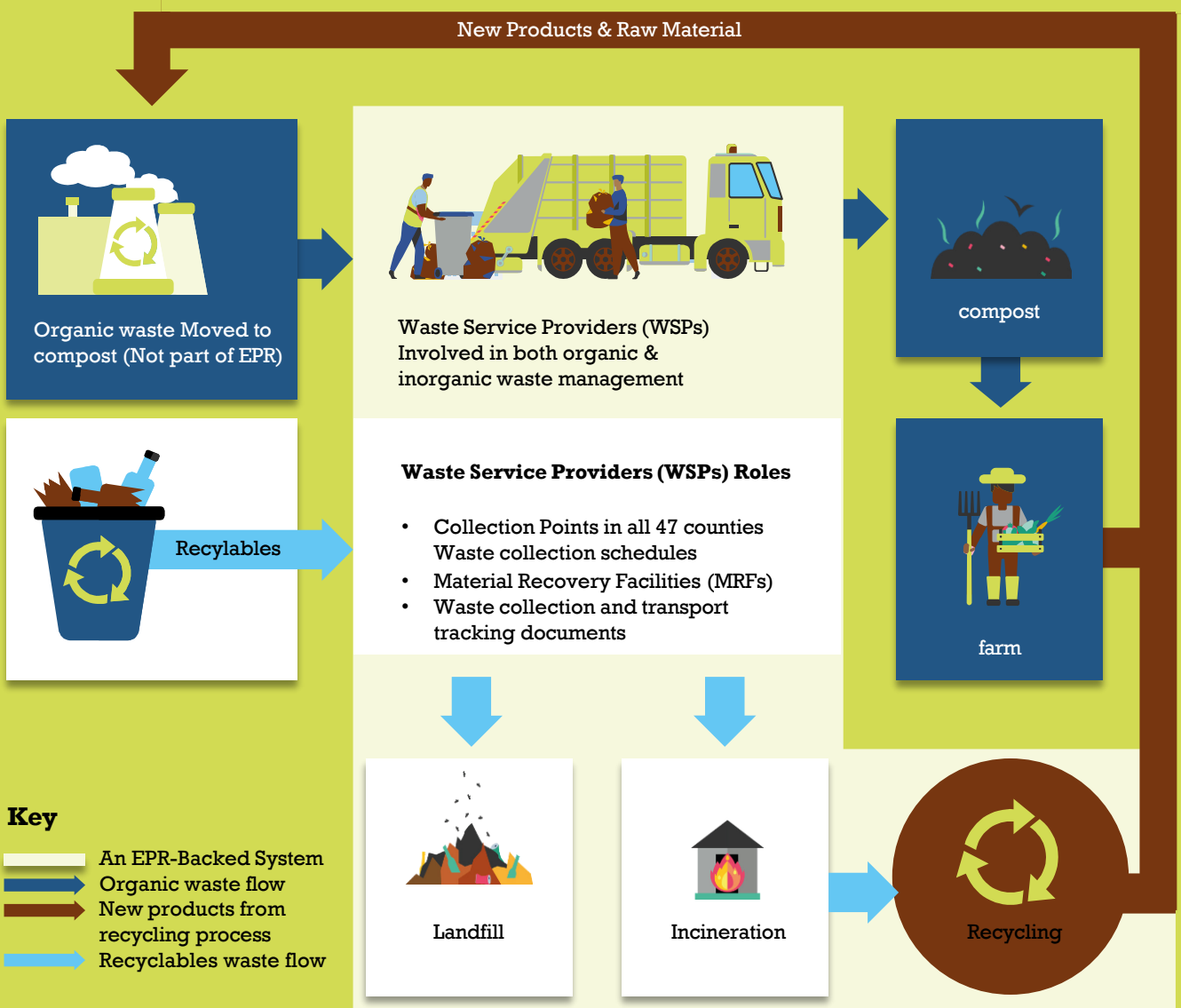


Figure 3: Waste Flow in an EPR-Backed System

The figure 3 summarises waste flow in an EPR-backed system. EPR does not cover organic waste but recommends its composting to produce valuable and eco-friendly farm inputs. Waste covered in EPR includes recyclables in various waste streams.

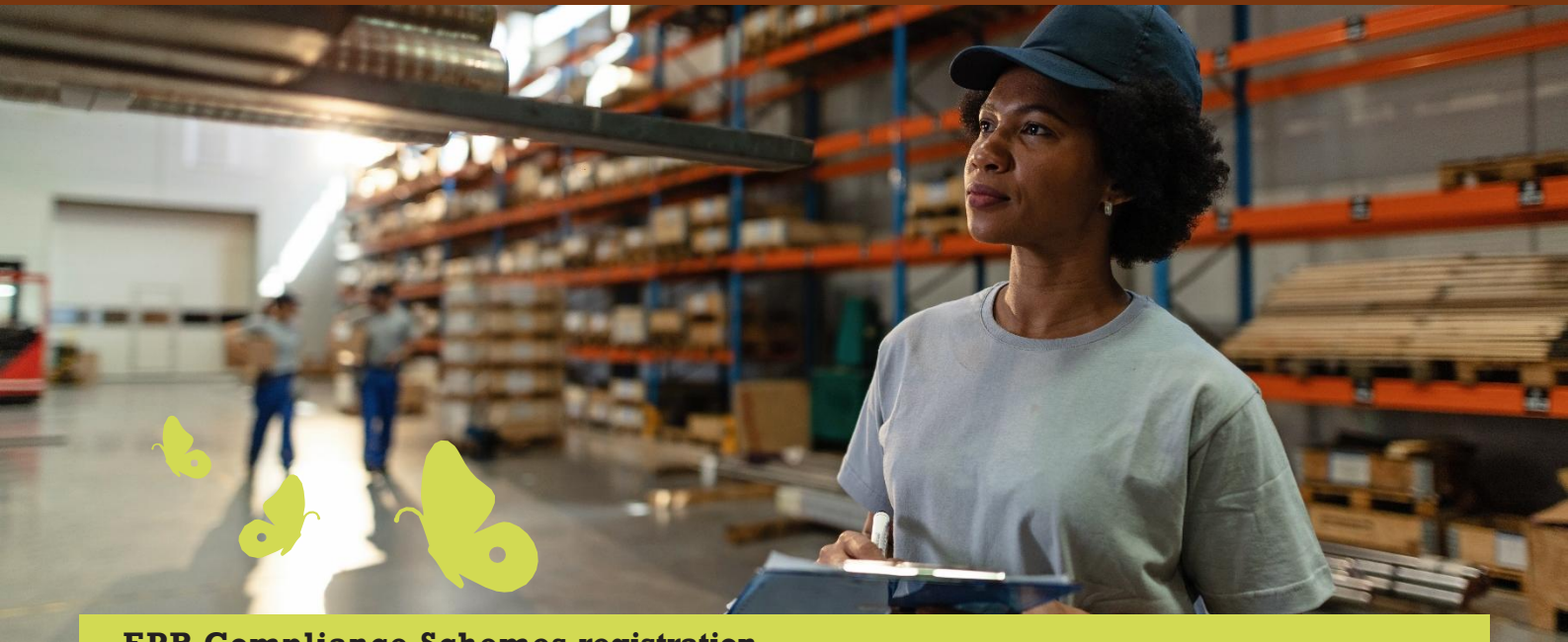
Waste generators or producers are required either through individual or collective approaches to engage WSPs operating across the 47 counties to recover waste from their products post-consumer stage. The WSPs contracted by waste generators must have waste collection points and other services in all 47 counties to ensure that EPR address waste nationwide.

The EPR recommends establishing MRFs to provide a platform for sorting waste received from the collection points. The setting of MRFs

allows county governments to explore sustainable investment opportunities to transform public open dumpsites into waste sorting and recovery facilities. MRFs present immense benefits that range from employment opportunities to environmental conservation.

The recovery of recyclables, which are potential resources for other production processes, leads to low demand for virgin materials, resulting in the sustainable conservation of natural resources. Moreover, setting up MRFs in Kenya allows individuals and groups to secure employment opportunities and earn an income to support the country's socioeconomic transformation. Sorting of waste at the MRFs determines volumes and types that are channeled into recycling, landfilling, and incineration.

Step by Step of Complying with Kenya's EPR Systems



EPR Compliance Schemes registration

The EPR regulations prohibit persons or organizations from producing, importing, marketing or distributing a product without a valid registration from NEMA.

The validity of the registration will be a maximum of four years unless it is revoked, suspended or cancelled by NEMA. The registration certification for EPR will be issued to individual producers and PROs.

The proposed registration fee for producers under the individual EPR scheme is Ksh. 5,000 and Ksh. 10,000 for a PRO.

In addition, individual producers will obtain a producer responsibility number (IPRN) while PRO members will receive a Producer Extended Responsibility Number (PERN) from NEMA. In the subsequent years, individual producers and PROs operations will apply annual licensing to NEMA.

The license details specific standards to producers or PROs to fulfill their set targets for EPR schemes and is revoked, suspended or cancelled for failure to align their operations to the set standards.

The cost of the annual licensing will be Ksh. 10,000 under both individual and collective schemes.

A criterion for registering or renewing a PRO EPR registration certificate and annual license, includes:

- ✓ Proof of registration as a company limited by guarantee.
- ✓ An EPR work plan and implementation budget.
- ✓ Administrative details such as directors and physical address.
- ✓ Actual or sample contract copies of engagement with WSPs including collectors, transporters and recyclers.
- ✓ Minutes of engagement with all stakeholders to implement the scheme.
- ✓ A dispute resolution mechanism for all stakeholders implementing the EPR scheme.
- ✓ List of members and proposed membership fee structure for a PRO.
- ✓ Proof of payment to prescribed fees for producers under a PRO.

NEMA shall issue an interim permit for ninety days for registration to enable the PROs to undertake stakeholder engagement.

Preparation and Submission of EPR Plans

All producers either in an individual or collective EPR scheme must submit their EPR plans to NEMA. The EPR work plan are required to be revised yearly to provide updated data to NEMA.

The EPR plan shall contain the following: (However, producers under a collective scheme are advised to respond to the four three items only)

1. List of products and their volumes introduced into the Kenyan market and types of packaging material.
2. Product traceability and tracking mechanisms.
3. Proof a PRO membership for producers opting for a collective scheme.
4. Effective monitoring and tracking mechanisms for the EPR scheme including product tracking and inspections to apply sanctions to non-compliant producers.
5. Minimum reuse, recycling and recovery targets of waste from the products.
6. Collection schedule: The collection schedule captures the frequency at which the licensed waste collectors will be engaged to recover waste.
7. List of waste collection points in all the 47 counties. Producers can utilise transfer stations licensed by NEMA.
8. Evidence of payment of recovered materials collection service for each product.
9. Strategy to promote public awareness, consumer education and information dissemination programmes on effective waste management practices. Awareness and creation must include training consumers and bottom of the pyramid waste actors about the meaning of eco-labels, recovery and recycling symbols on products. Producers are required to bear the cost of supporting information dissemination sharing and awareness creation to consumers and the public in general.
10. Workplan per county and budget for fulfilling EPR obligations. Producers are required to have constant information sharing with county governments on quantities of waste recovered and strategies to raise public awareness about sustainable consumption and production.
11. Evidence of contracts with NEMA-licensed waste transporters to move recovered products from collection points.
12. Contracts with waste processing facilities such as recyclers, incinerators, landfills.
13. Eco-design guidelines for the products handled by the scheme.
14. Procedure for handling controlled and hazardous substances in the product.
15. Annual reporting structure.
16. Model of financing the scheme and itemized budget based on actual cost.
17. Data collection and reporting. All producers are obligated to maintain an updated record of products they introduce into the Kenyan market and their eco-design records. Other key information to be captured in the reporting include recyclability and reusability of the products, traceability of waste managed and any other prescribed information to be determined by NEMA. The other additional data to be collected include a set target of waste to be recovered and actual volumes of waste collected and recycled to provide scientific backing for monitoring, evaluation and tracking by the producers, PRO and NEMA. Carefully designed reporting templates and the use of electronic format reporting will be key to gathering adequate data for monitoring and evaluation.

Producers under the individual and collective scheme are obligated to publish the annual EPR report by 31st January of every year. Moreover, producers are required under the annual reporting mechanism to record and report the progress of managing their members' waste to NEMA by 31st January of every year. The specific elements of the report include types and categories of products introduced into the Kenyan market by the members, set targets of waste collection and recycling from the identified product, the volume of waste collected and recycled against the set targets and consumer/ public awareness or educational training conducted.



Informal Waste Pickers Integration in EPR Implementation

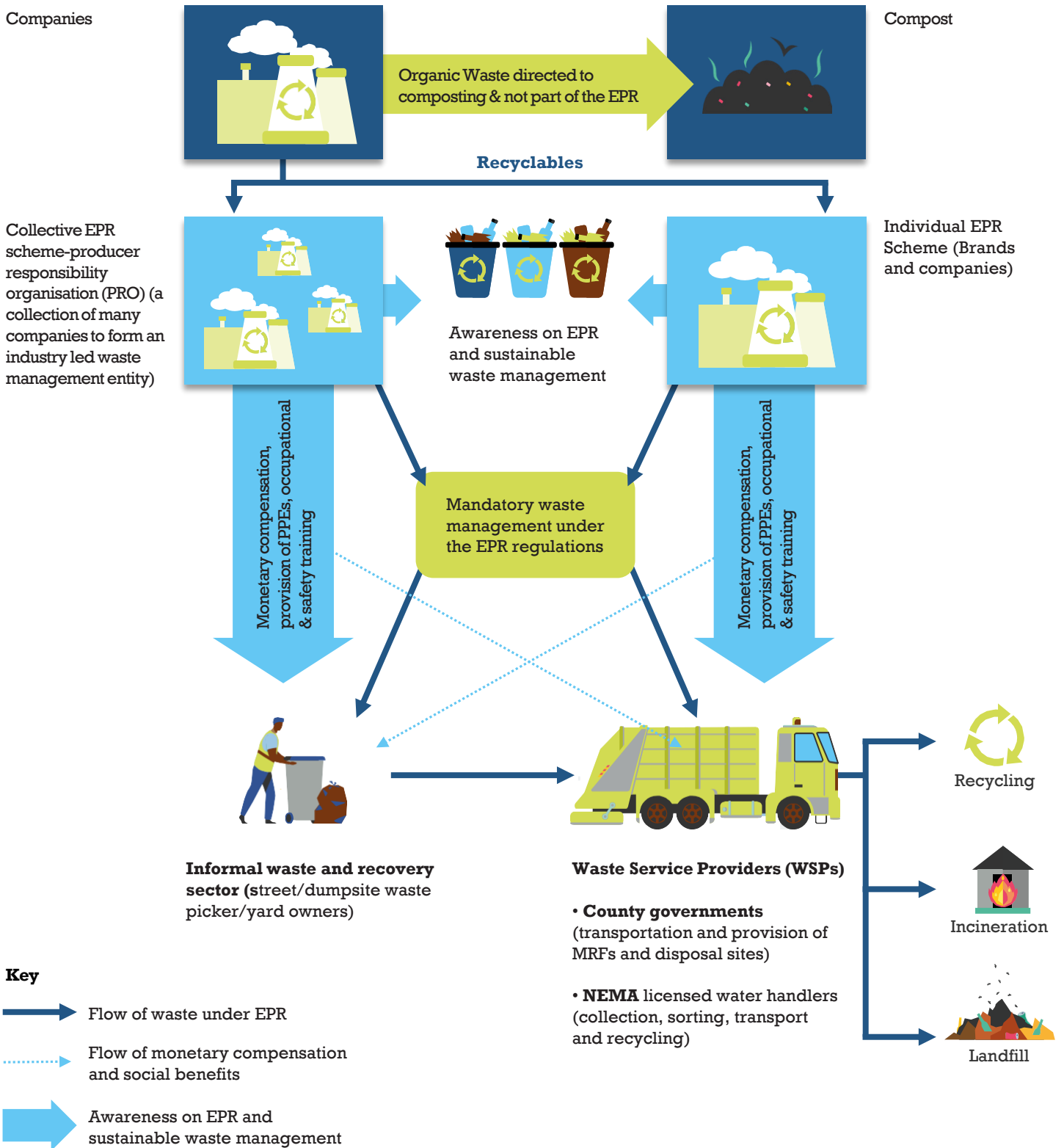


Figure 4: Inclusion of the informal waste sector actors in EPR Implementation in Kenya

EPR implementation in Kenya presents an opportunity to formalize the informal waste sector to take advantage of job and employment opportunities. Figure 4 illustrates an entry point for including the informal waste practitioners to strengthen the delivery of the EPR systems in Kenya.

Brands, PROs and WSPs and other relevant stakeholders need to train informal waste actors on strategies for consumer awareness to encourage separation at the source and disposal of waste at designated collection points.

Informal waste sector actors have an in-depth touch with the local communities positioning themselves as key agents to cascade down information about EPR, waste management and circular economy to the general public.

The integration of informal waste pickers in the EPR implementation model necessitates them to register and acquire relevant licensing and permits from their respective county government, NEMA and Kenya Revenue Authority. Mapping and registering of informal waste pickers lead to the creation of a database that producers and PROs can refer to engage them to implement their EPR plans.

Moreover, legal recognition and registration will ensure that the informal waste sector stakeholders benefit from access to financing and other incentives to improve their services and expand their operations.

Producers, PROs and WSPs engaging informal waste pickers in delivering the EPR implementation models can provide personal protective equipment (PPEs) to informal waste pickers. Most informal waste pickers recover waste in unsanitary conditions exposing them to lacerations, physical injuries and infections. Therefore, the provision of PPEs that include goggles, gowns face shields, gloves, masks and specialized shoes among others will significantly improve their occupational and safety health standards. The benefits to informal waste pickers must extend to training and assisting them acquire medical insurance cover.

Kenya's transition from the National Health Insurance Fund (NHIF) to the Social Health Insurance Fund (SHIF) presents an ideal entry point to include the informal sector in access to medical coverage in the ongoing health insurance reforms.

Brands and PROs through corporate social responsibility and government interventions can offer free medical camps targeting informal waste pickers to vaccinate them against tetanus, meningitis, and hepatitis among other high-risk illnesses they are prone to in their working conditions.





The inclusion of informal waste actors in EPR implementation in Kenya must ensure they receive fair compensation from their waste collection and selling of recyclables. The national government through NEMA must ensure that the compensation of informal waste pickers for implementing the EPR is timely, transparent and accountable. Setting up standardised and fair measures to quantify waste recovered by informal waste actors will prevent overexploitation by formal waste management system stakeholders, producers and PROs.

The standardized criteria of waste quantification can vary according to the type of waste and existing efforts to recover certain waste. Informal waste sector operators, especially informal waste pickers, must be engaged in determining the waste quantification criteria.

MRFs and private recycling firms are required to display the pricing list to ensure the informal waste pickers are conversant with the rate of selling their recyclables. Fair compensation of informal waste pickers in implementing the EPR will assist them in improving their working conditions, expanding their operations and access to emerging technologies in waste management.

Furthermore, compensating the group contributes to the attainment of their human rights and prevents them from being exploited at the lowest level of the recovery value chain.

However, collective action is necessary to ensure that informal waste pickers do not receive multiple compensations for the same waste recovery activity from different producers or PROs.

Stakeholder Roles and Responsibilities



The EPR encourages a multistakeholder approach to promote sustainable practices that eliminate the overexploitation of natural resources and the generation and disposal of waste.

PROs



Contracting of licensed and approved WSPs through formal agreements to collect, transport, recycle, & dispose of waste.

Setting up an EPR fee for their members to manage waste from each product and category.

Disseminate information on their members' product to encourage consumer behavior change.

Data gathering & reporting to NEMA on their member's number, compliance with EPR schemes, & financial expenditure of waste management activities & consumer awareness.

Establishing other effective mechanisms and systems to enforce their members' compliance with EPR.



Ensure harmonious relationships between different stakeholders engaged in implementing their EPR scheme.

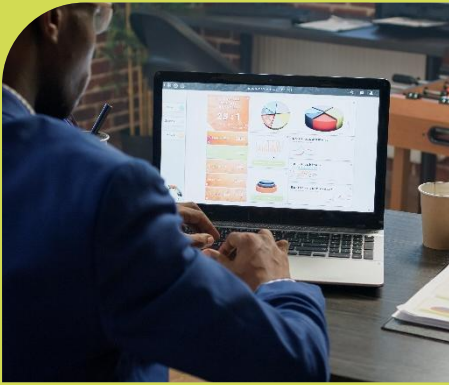


Hold annual members' meeting to reflect on the progress, performance, management and administrative systems.

Invest in research and innovation development to generate scientific data & environmentally sound technologies of waste management.



Producers (importers and brands)



Provision of baseline data on their products introduced into the Kenyan market, including their volume, category, and market size to WSPs or PROs to assist in EPR fee calculation and determining estimates of waste to be recovered.



Financing of the WSPs or PRO waste management activities and consumer awareness campaigns.



Individual or collective management of waste emanating from their products introduced into the Kenyan market.

Public awareness and training on sustainable waste management practices to stimulate consumer behavior change.

Invest in research development to generate well-grounded data to guide product redesign and shift to sustainable business models.



Informal waste pickers and recyclers

Participate in waste collection and recycling of waste from the identified products to meet set minimum standards by PROs for waste recovery.

Strengthen increased consumer awareness to dispose of waste at designated collection points and adoption of waste segregation at source.



Retailers

Even though the role of retailers is not captured in the Kenyan EPR regulations, producers and PROs can engage retailers to:

Assist in collecting waste from the identified products by setting up designated waste collection points in their operation areas.

Participate in raising consumer awareness on waste disposal.



Consumers (individual/ tourism and hotel industries)

Enhance public awareness of sustainable waste management practices.

Support the producers in individual or collective scheme through the disposal of waste in designated collection points and waste segregation at source.



County governments

Provide waste management services such as transportation and final disposal after formal contracting and agreement with brands and PROs.

Enforce county-level and assist in implementing national legislation to prevent pollution and actualize the PRO EPR scheme.

Investing in state-of-the-art infrastructure like MRFs to increase recycling rates.

National Government

The national government, through NEMA, is mandated to provide oversight of implementing the EPR. Its specific roles and responsibilities include:

Organizing formal, regular and transparent dialogues with relevant stakeholders to address gaps impeding EPR implementation

Participate in conducting awareness and educational training among the stakeholders and the public on the objectives and importance of EPR.

Formulate national legislation and standards to promote accountability, equality, and transparency to eliminate discrimination in EPR systems.

Enforcement of the EPR schemes through issuing restorative orders, among other penalties, to non-complying PROs and producers.

Review of the reports submitted by brands and PROs to offer sound monitoring of the EPR plans implementation.





Appeals

Producers or PROs aggrieved by measures or restorative orders issued to them by NEMA have a right of appeal at the National Environment Tribunal (NET).

NET is a quasi-judicial entity established under EMCA 1999. The Tribunal's primary mandate is to resolve any disputes arising from the exercise of authority by NEMA. Some of the matters to raise at the Tribunal include grant, transfer or refusal of EPR registration certificate, revocation or suspension of EPR license, imposition of any condition, limitation or restriction on the license.

Other complaints to NET include amount of money required to be paid or regulations made thereunder and imposition of an environmental restoration or improvement order by NEMA under SWM Act 2022 or EPR regulations, may within sixty days after the occurrence of the event against which by producers and PROs are dissatisfied raise an appeal.



Recommendations

for a Successful EPR Implementation
in Kenya

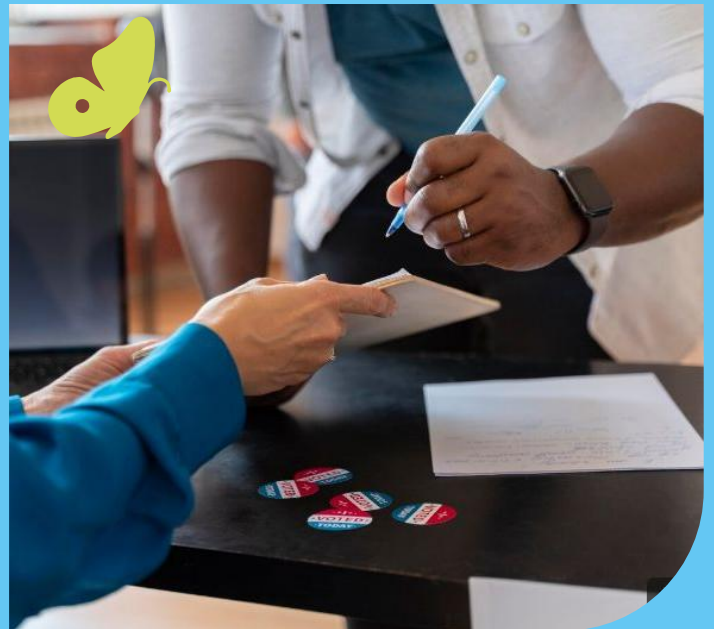


Stakeholder Identification

Successful implementation of the EPR systems in Kenya will rely on the identification of relevant stakeholders in each waste stream. Stakeholder mapping contributes to the identification of varying interests, concerns and influences of each actor engaged in waste management.

Shared concerns of each stakeholder build up to informed decision-making in designing sound waste management practices and shaping the policy agendas. Stakeholder identification will significantly contribute to support, inclusion and formalisation of the informal waste pickers to strengthen EPR implementation and attain effective waste management.

Moreover, the multistakeholder approach promotes the achievement of Sustainable Development Goal 16, which recognizes the importance of collaborations and partnerships to divide roles and responsibilities in addressing sustainability challenges.



Consumer engagement and awareness

Consumers play a crucial role in driving sustainability agendas across various sectors. Producers produce products tailored to consumers' preferences. Engaging consumers and educating them on the need to shift to the use of environmentally friendly products is a major step in embracing product redesign to minimize waste generation.

Enlightened consumers on responsible consumerism positively influence market demand and encourage producers to shift to cleaner production and industrial ecology technologies.

Collective consumer engagement and awareness by PROs, producers, national and county governments will empower the public to make informed decisions of purchasing green products with less ecological footprint. Producers must explore the use of eco-labelling and certification to assist consumers make informed decisions when purchasing. Strategies to incentivize consumer behaviour change, such as reduced prices for redesigned products, among others, can be adopted by producers to cultivate a sustainable market demand culture for green products. Consumer engagement and awareness should be coupled with hands-on activities such as community clean-ups to equip the public with waste sorting skills.



Research and Development

The generation of scientific data plays a crucial way in determining or strengthening measures of waste minimisation, recovery and product redesign. Constant research will strengthen ongoing efforts to determine the environmental and public health risks of various waste streams.

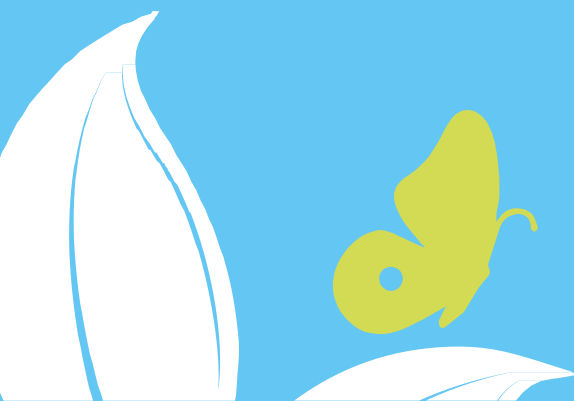
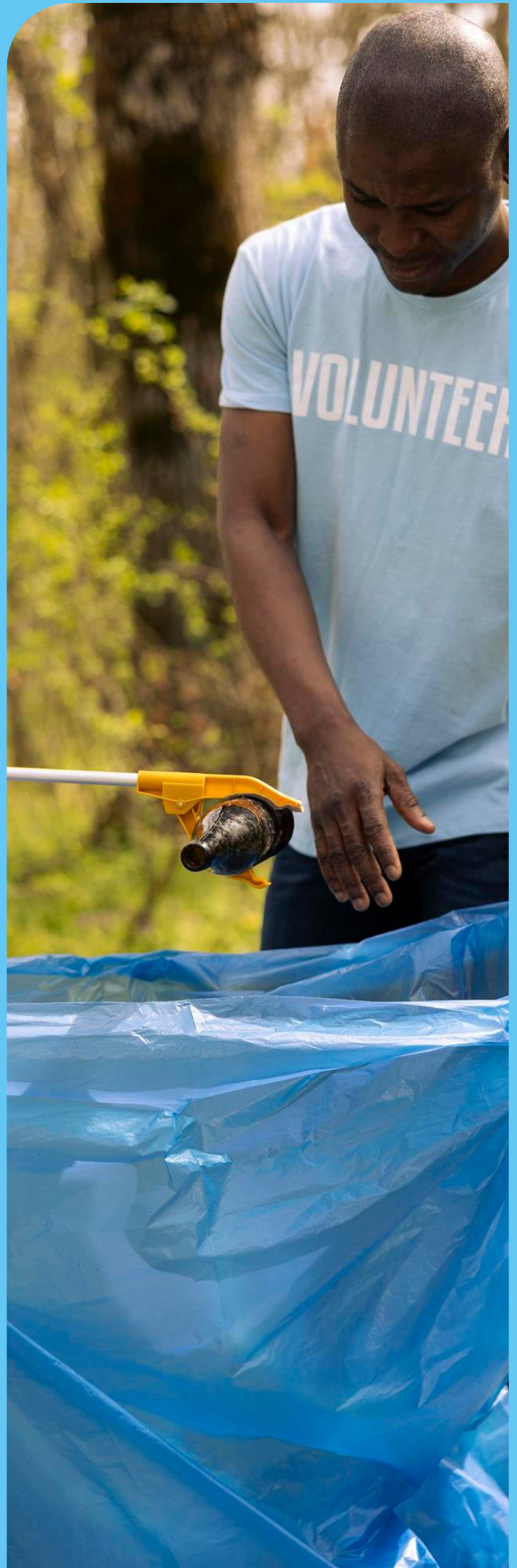
In addition, scientific evidence plays a crucial in contributing to informed decision-making to guide waste management and circular economy policy agendas.

Research data will assist stakeholders in various waste streams to identify entry points for employment opportunities and business growth in the waste management subsector.

Increased investment in waste management services & facilities

Achievement of the EPR set targets in Kenya will heavily rely on increased investment in state-of-the-art infrastructures such as MRFs, effective waste transportation systems and even mainstreaming of artificial intelligence to generate data on waste collection points, track waste collection, sorting, transportation and recyclability.

Section 14 of the SWM Act 2022 mandates all county governments to set up MRFs to increase waste recycling. Furthermore, increased investment in effective waste management facilities will necessitate the involvement of the private sector by setting up recycling firms and green innovations.



Glossary of Terms

Circular Economy	Economic development paradigm and policy initiative that upholds a multilevel transition to a cyclical closed-loop system of sustainable resource efficiency, production and consumption.
Informal waste sector	Individuals and groups involved in waste management activities without formal registration and recognition by local authorities.
Formal waste sector	Waste management activities regulated and recognized by legislation and institutional frameworks.
Leakage	Intended or unintended release of waste into the environment.
Linear Economic Model	Extraction of resources for use or production and dumping the refuse in the environment without recycling (cradle-to-grave).
Microplastic Producers	Tiny plastic particulates below 5mm in size and above 1 mm. An individual, company or group introducing products and goods into Kenya through importation, manufacture, selling, distributing, converting or reselling
Producer Responsibility Organization (PRO)	A professional and formal registered membership entity formed to take over the responsibility of an obligated party to the EPR provisions.

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