

EPR* Regulations 2020 **KENYA**



Guidelines for Efficient
Waste Management

April 2021

*EPR - Extended Producer Responsibility

Key Messages

1

Producers will be responsible for the post-consumer cycle of their products, which will include collection, sorting, material recovery, recycling, treatment and end of life management.

2

Industry players (producers) to forge alliances and establish a Producer Responsibility Organization ((PRO) to handle their waste streams.

3

Promote environmentally friendly product designs and packaging and cleaner production processes.

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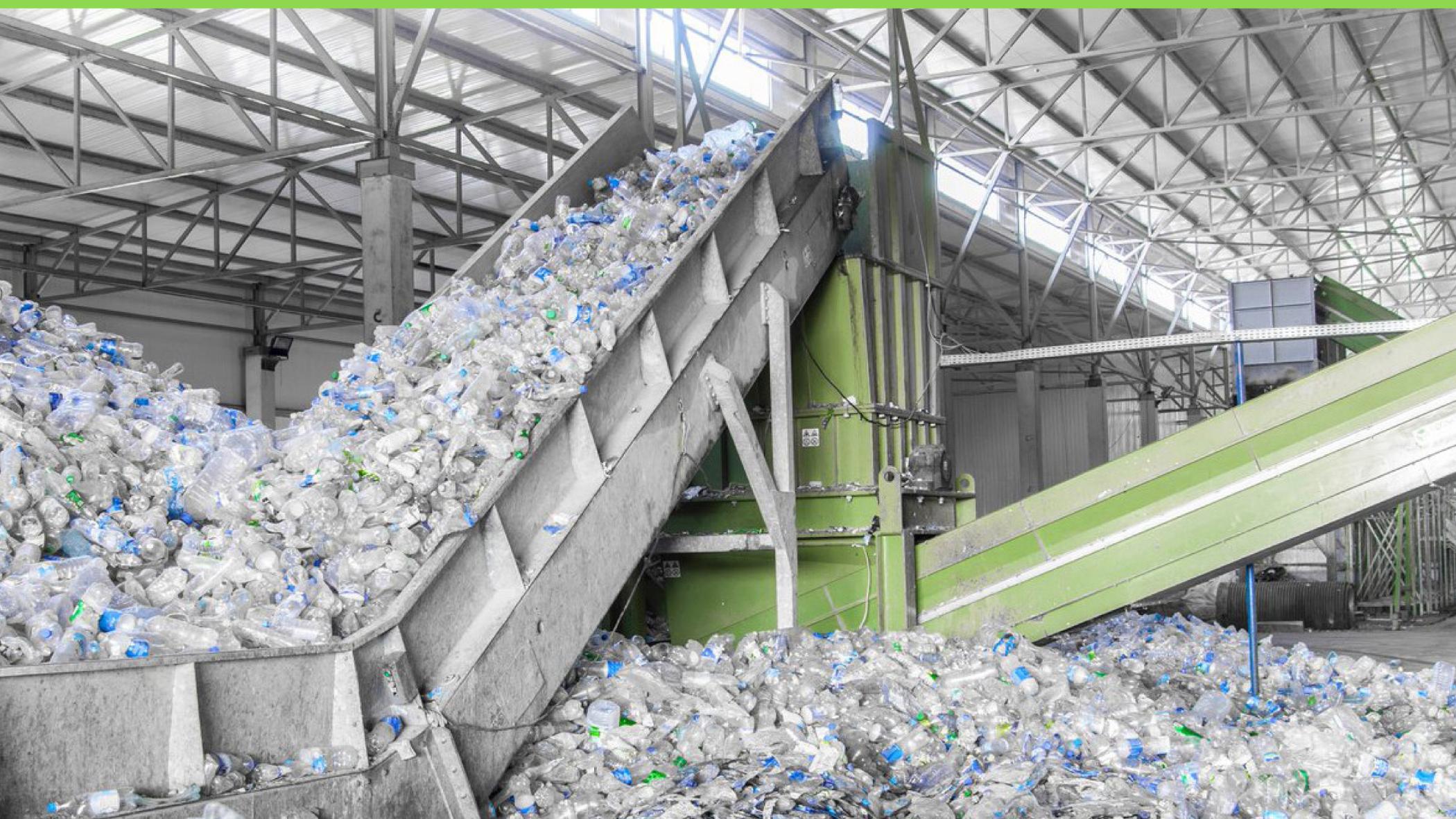
Producers must register a new product in the country with NEMA

5

Circular economy is the best bet to achieve economic resilience in this age of sustainable development.

6

Adopt sustainable use of natural resource while reducing waste at source.



Context

Since the late 1980s, the concept of “Extended Producer Responsibility” (EPR) has become an established principle of environmental policy in an increasing range of countries. It aims to make producers responsible for the environmental impacts of their products throughout the product chain, from design to the post-consumer phase. It was hoped that this would alleviate the burden on municipalities, Counties and taxpayers for managing end-of life products, reduce the amount of waste destined for final disposal, and increase rates of recycling.

What is EPR?

Extended Producer Responsibility (EPR) is defined as an environmental protection strategy that makes the manufacturer of the product responsible for the entire life cycle of the product and especially for the take back, recycling and final disposal of the product (Lindhqvist, 2000; Khetriwal et al., 2009). EPR is one of the surest ways of implementing the "Polluter pays principle" including mainstreaming of circular economy in Kenya's economy.

EPR Regulations 2020 mission is to make producers responsible for the environmental impacts of their products throughout the product chain, from design to the post-consumer phase. The aim of the EPR is to enhance resource use efficiency, stimulate innovation, spur recycling and reduce the amount of waste destined for final disposal. The purpose of the regulation is that it would alleviate the burden on County Governments and taxpayers for managing end-of life products, reduce the amount of waste destined for final disposal, and increase rates of recycling.

List of products and packaging subject to EPR 2020



1 Composites



8 Electrical and Electronic Equipment (EEE)



15 Tyres



2 Agricultural film



9 Furniture



16 Automobiles



3 Batteries



10 Paper and carton



17 Leather



4 Oils and lubricants



11 Mercury Auto Switches and thermostats



18 Rubber



5 Plastic and rubber products



12 Paints



19 Agrochemicals and veterinary products including packaging



6 Aluminium products



13 Pharmaceuticals products including packaging



7 Glass



14 Textiles



Compliance with EPR 2020

- ✓ Each individual producer/ PRO must be registered with NEMA. The registration shall be valid for a maximum period of four years; unless revoked, suspended or cancelled by the Authority.
- ✓ Each individual producer and PRO shall be issued with producer responsibility number (IPRN) and Producer Extended Responsibility Number (PERN) from the Authority respectively.
- ✓ For subsequent years of operation, an annual operating license shall be issued for individual producers 'compliance scheme and producer responsibility organisations 'that fulfil their performance standards as set out in the work plan, fulfil reporting obligations.
- ✓ NEMA may allow more than one Producer Responsibility Organisation to accommodate material variation of the product
- ✓ The Authority shall issue an interim permit for a period of ninety days for registration to enable the producer responsibility organization undertake stakeholder engagement.
- ✓ The regulation recognises two main phases of establishing an extended producer responsibility compliance scheme — Voluntary and Mandatory Schemes.
 - Voluntary initiatives- typically undertaken by industry, and aimed at piloting an EPR compliance scheme;
 - A voluntary scheme can operate for a period of two years thereafter transition to a mandatory scheme.
 - Mandatory scheme is a regulated scheme, registered, licensed and operated in compliance with these regulations.

Obligations of an Extended Producer Responsibility Organization

Collection, sorting, material recovery, recycling, treatment and end of life management of its member 's products.

Modulation of EPR fees according to established environmental criteria on product design, useful life, and end of life management as set out in the membership registration requirements and as reviewed during the annual members 'general meeting.

Subject to conditions and limitations set out in the producer responsibility organization contract, a proportion of the waste recovered may be set aside for reuse or for recovery of usable parts.

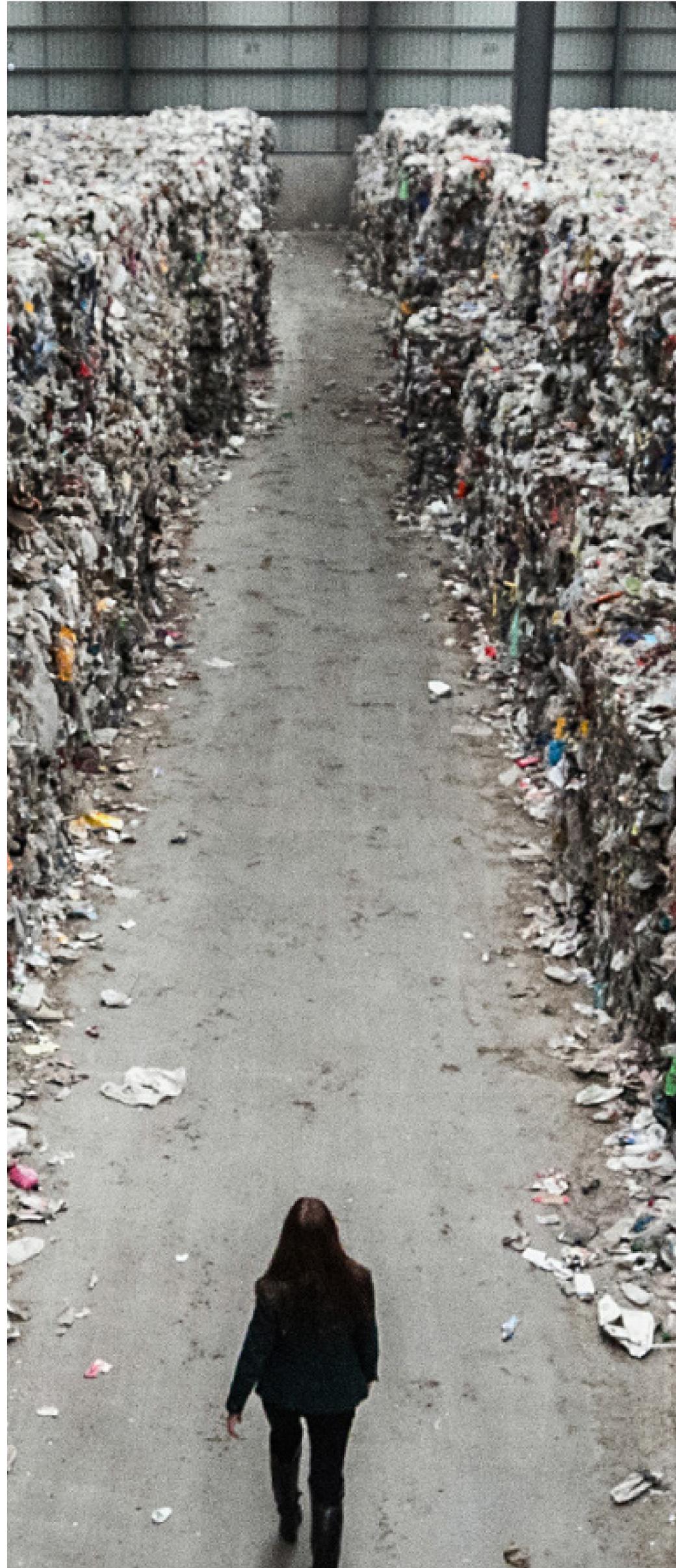
Market development for the secondary raw materials for the products under their scope.

Restrict or ban all harmful and dangerous substances that undermine environmental sustainability in the products of its membership.

Set minimum targets for reuse, recycling and recovery for its members and offer incentives for waste collectors and informal waste holders to encourage sorting of waste at source.

Provide updated information on product quantities, recyclability and reusability, interpretation of packaging labels, market traceability mechanism, and any other prescribed information.

Organize monitoring of its membership activities to ascertain that objectives are being achieved and to trigger inspections in view of applying sanctions to members who fail to fulfil their membership obligations.



EPR and Counties

Waste management as a devolved function, puts County governments at the heart of collection and disposal of waste in their respective jurisdiction, except hazardous waste. In order to meet recycling and recovery work-plan objectives, a producer responsibility organization may sign agreements with Counties by which the Counties pledge to implement separate collection and sorting of end-of-life products according to technical instructions that are communicated to residents under their jurisdiction.

PRO

The PRO shall comply with objectives of waste prevention, and waste management plans and targets set out by the jurisdiction of county or counties within their area of operation.

A PRO may be required to communicate with County Governments to submit county specific information on quantities of waste covered and that have been collected and managed and declared in their territory. A PRO shall comply with this request.

A PRO shall undertake to collect products at no cost, regardless of market conditions for raw materials on behalf of the county.

A PRO may enter into public private partnership projects with counties to establish material recovery facilities and other recovery initiatives in its operational area of jurisdiction.

