

# EPR for ELVs in Kenya

By

Dr. Ayub Macharia

Director Environmental Enforcement

National Environment Management Authority

Kenya

# About National Environment Management Authority (NEMA) - Kenya

- A government institution established by the Environmental Management and Coordination Act 1999 (revised 2015).
- NEMA established in 2002
- Mandate
  - Supervision and coordination over all environmental matters
  - Principal instrument of government in implementation of all environmental policies

# Extended Producer Responsibility (SWM Act 2022 section 13)

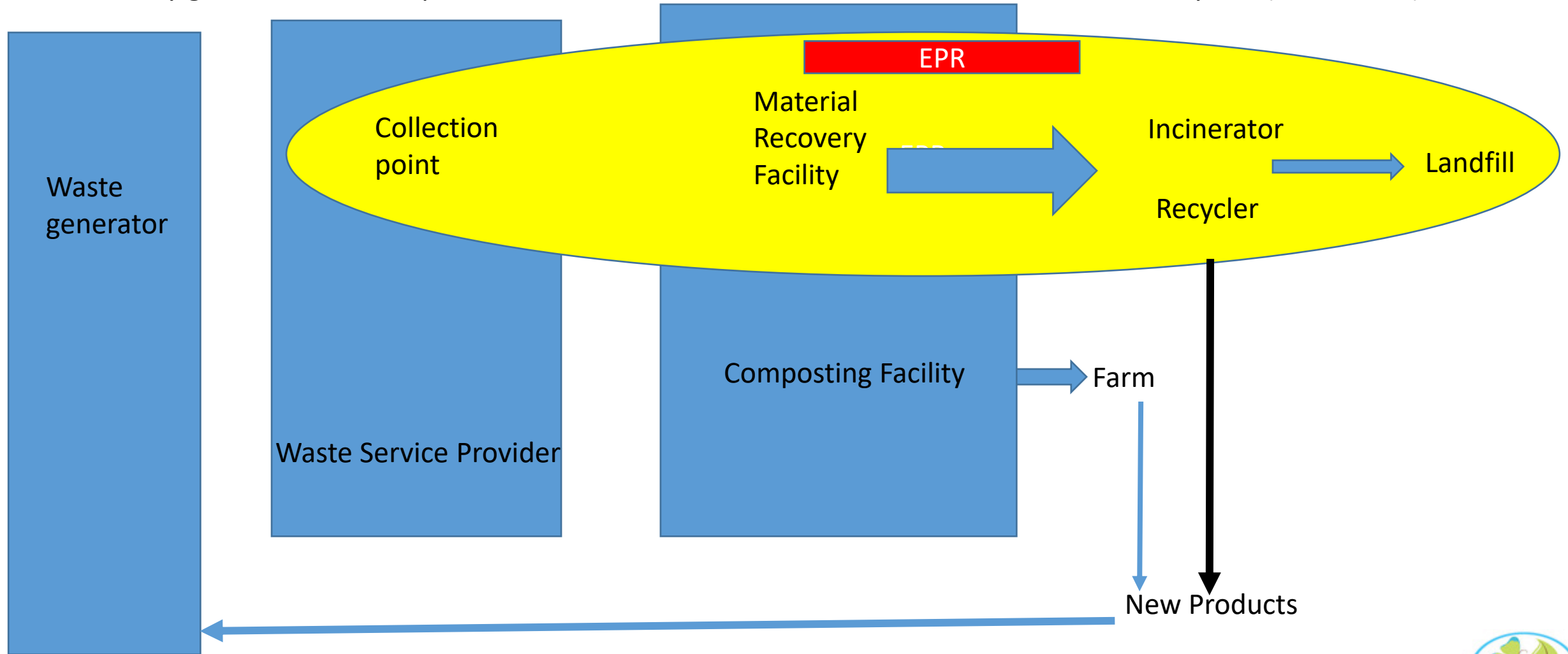
13(1) Every producer shall bear extended producer obligations to reduce pollution and environmental impacts of the products they introduce into the Kenyan market and waste arising therefrom.

(2) Every producer shall fulfill their extended producer responsibility obligations individually or collectively in a compliance scheme.

(3) The Cabinet Secretary shall, within two years of the coming into operation of this Act make regulations on extended producer responsibility.

### Waste flow and EPR

1. A person who generates waste in Kenya shall dispose the waste to only licensed waste service providers or at designated collection points (Section 20).
2. County governments shall provide central collection centres for materials that can be recycled (Section 9.4)





## NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

### PUBLIC NOTICE TO ALL PRODUCERS

As you are aware the Sustainable Waste Management Act became effective on 22nd July 2022. Section 13 of the Act requires every producer to bear mandatory extended producer obligations to reduce pollution and environmental impacts of the products they introduce into the Kenyan market and waste arising therefrom. Every producer shall fulfill their extended producer responsibility obligations individually or collectively in a compliance scheme.

The producer is defined in the Act as an entity that introduces goods, products and packaging into the country using authorized means by manufacturing, importing, converting, filling, refilling, repackaging or rebranding.

The Authority has commenced inspection and enforcement on compliance to this Act. In this regard Producers are requested to submit to the Authority the plan that they are using to implement Extended Producer Responsibility Obligations. You may submit the EPR plan as an individual or collective scheme indicating the following:-

1. The list of products introduced into the Kenyan market.
2. If you are a member of a collective scheme, provide evidence of membership.
3. Estimated annual volume/quantity of product(s) introduced into the market.
4. Mechanisms put in place for identification and tracking of your product(s).
5. List and location of your drop off or collection points per county (see criteria below for establishing a collection point). You can also use existing transfer stations licensed by NEMA.
6. Evidence of payment of recovered materials collection service for each product
7. Planned awareness strategy and activities
8. Workplan per county and budget for fulfilling EPR obligations
9. Contracts with NEMA licensed waste transporters to move recovered products from collection points
10. Collection schedule from collection points
11. Contracts with waste processing facilities such as recyclers, incinerators, landfills.
12. EIA or Summary Project Report (SPR) approvals as advised from the County NEMA office.

**NB: If you are a member of a collective scheme, respond to question 1, 2, 3 and 4 only.**

#### Collection point establishment and operation criteria

A collection point should be established and operated as per the criteria below

1. Should only handle segregated dry items
2. Should be roofed, paved and in a well-drained location
3. Should be manned or secured from external interference
4. Waste should be stored in containers that are covered to avoid littering
5. Similar waste fractions should be placed in the same receptacle
6. Should declare and implement a collection schedule (provide collection contracts with licensed actors)
7. Should be accessible to the public
8. Should provide proof of payment for recovered material collection service
9. Display list of products collected and corresponding payment for collection service.
10. Should declare data on volumes of waste collected and transported away.
11. Should be approved by NEMA through submitting an EIA or Summary Project Report (SPR) as advised from the County NEMA office.

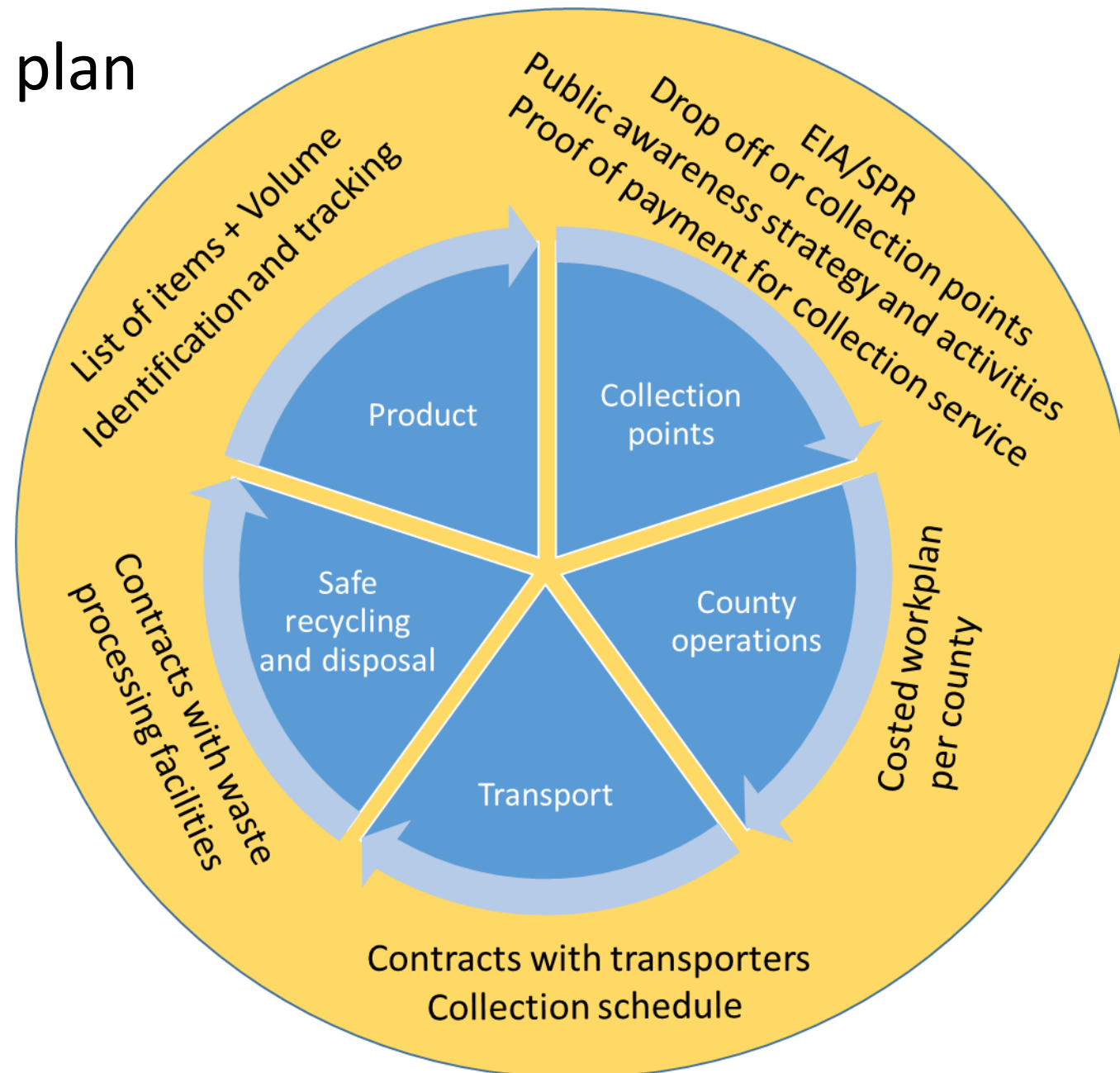
Producers are expected to submit their EPR plan to the Authority within TWO (2) months after publication of this notice to enable commencement of inspection and enforcement action to weed out joyriders.

DATED: 30TH AUGUST, 2023

Director General  
National Environment Management Authority,  
P.O. Box 67839-00200, NAIROBI.  
Eland House, Popo Road  
Tel : 254-20-2183718, 2101370.  
Mobile : 0724253398, 07233363010, 0735 013046  
Email : dgmema@nema.go.ke

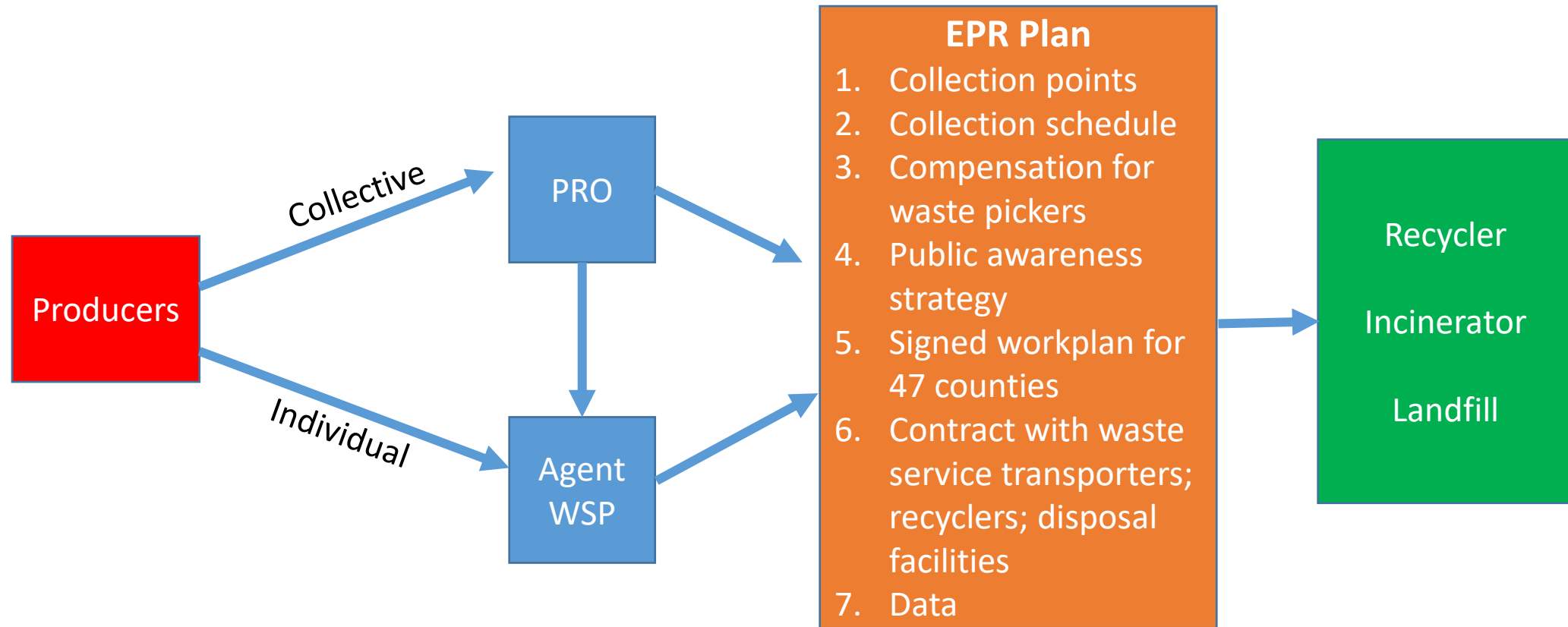


# EPR plan



**An EPR plan must demonstrate closing the loop**

# EPR implementation models



# Updates on EPR for ELV sector

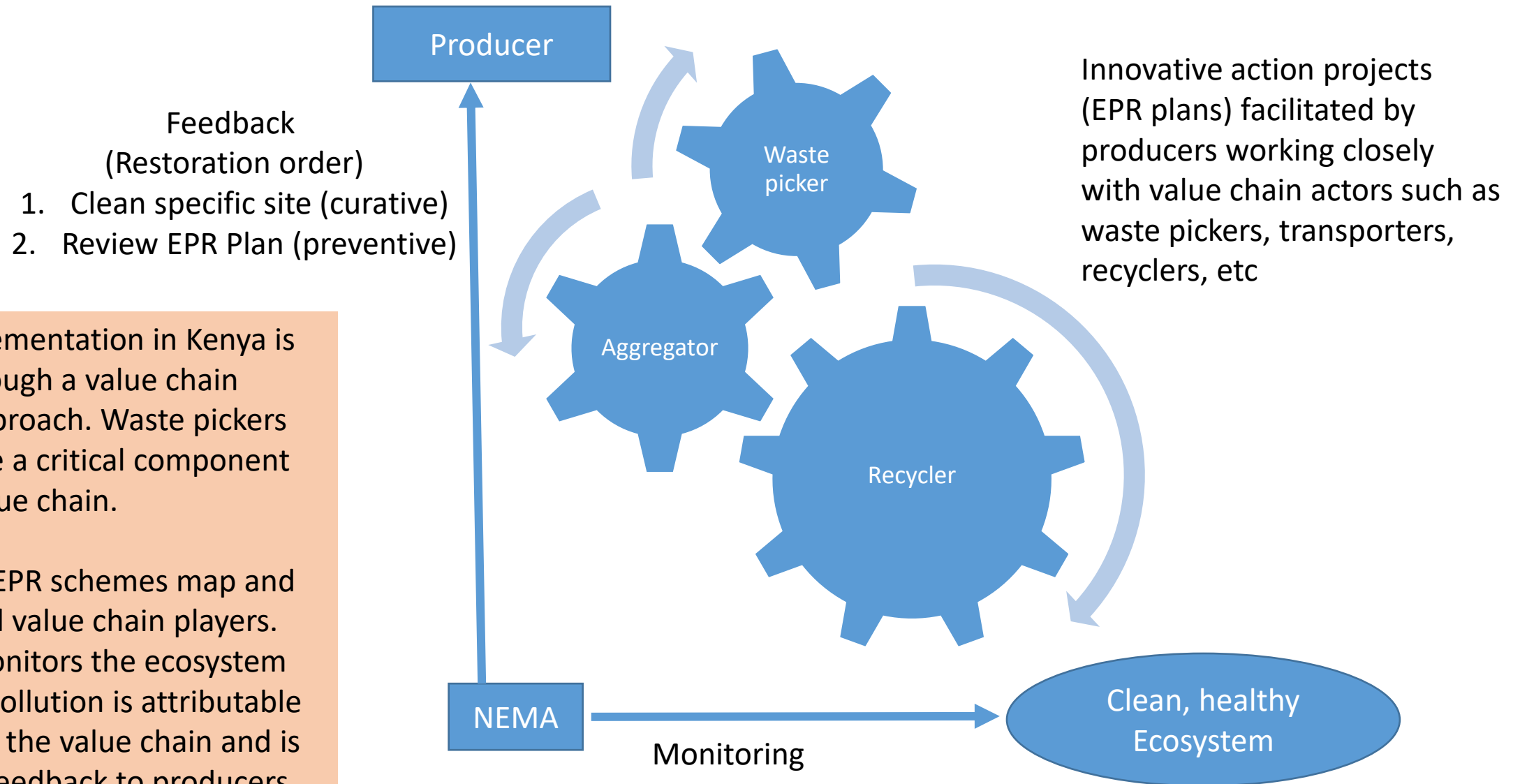
- Vehicle has many parts – metal, glass, plastics, oils, etc
- Each producer (manufacturer, importer) to submit EPR plan to NEMA annually.
- Also submit progress report annually
- EPR plan to indicate
  - how each item in a car should be handled
  - How each actor in the value chain shall be engaged and compensated
  - Collection, transportation, recycling, final disposal
- NEMA has written to Kenya Revenue Authority, Customs Department to block producers who are not compliant with EPR law.
- First version of EPR plan expected soon

# Role of Producers, PROs and agents

- Producers bear EPR obligations
- PROs, Agents assist Producers to execute EPR obligations
  - Collective schemes – PROs
  - Individual schemes – self or through Agent (WSP)
  - Evidence of operation in 47 counties
- NEMA demands accountability from Producers
- Producers must own the EPR plan and present to NEMA (how does it apply to your products?)
- EPR plan must be practical – agreed upon by all value chain players



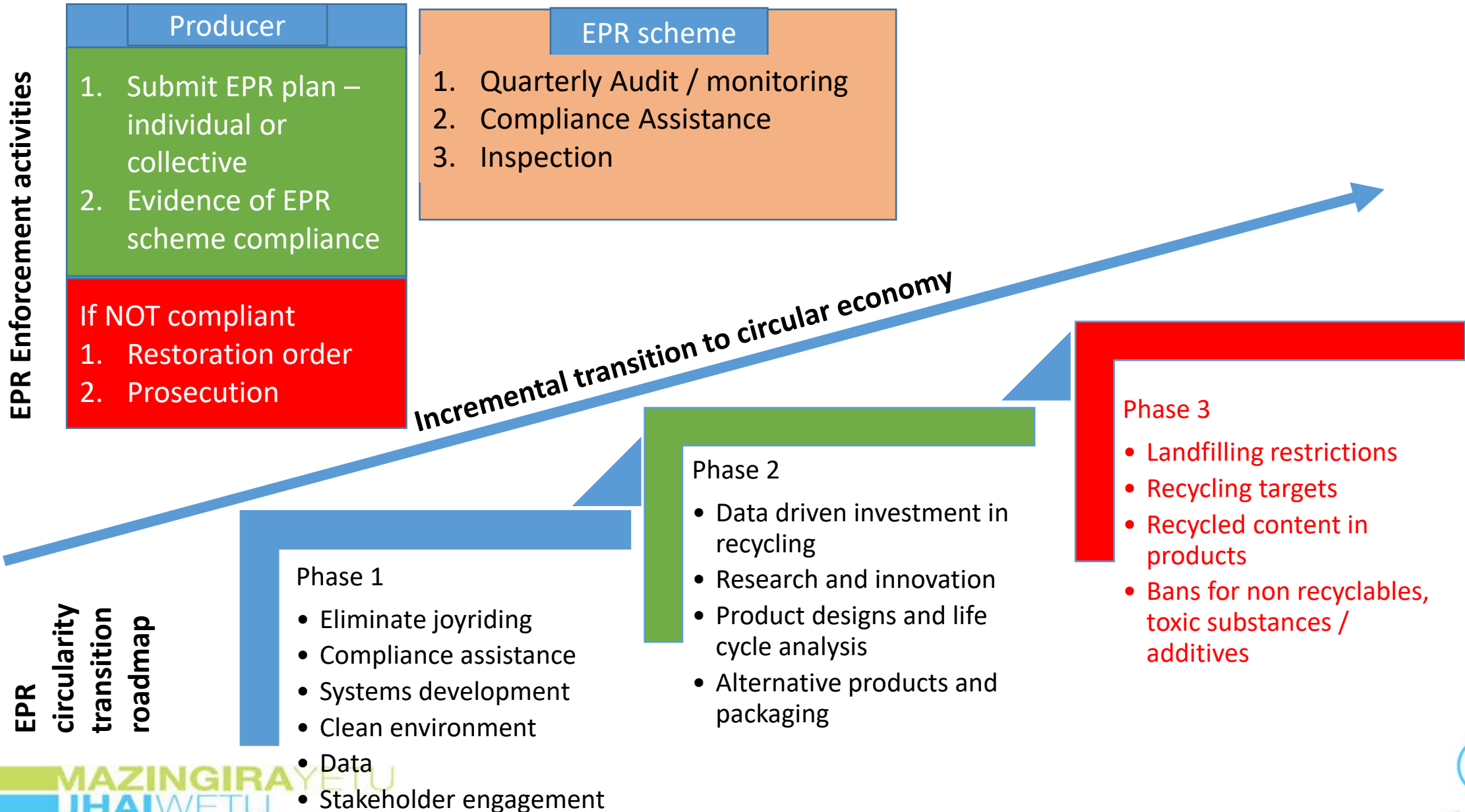
# VALUE CHAIN BASED APPROACH IN IMPLEMENTATION OF EXTENDED PRODUCER RESPONSIBILITY (EPR)



EPR implementation in Kenya is done through a value chain based approach. Waste pickers constitute a critical component of the value chain.

Effective EPR schemes map and engage all value chain players. NEMA monitors the ecosystem and any pollution is attributable to gaps in the value chain and is given as feedback to producers.

# EPR assisted compliance strategy in Kenya



# Benefits of EPR for ELV

- Owners of ELV waste known and must take responsibility
- Job creation for value chain players.
- Additional finances from producers to supplement public sector funds in waste management.
- Promotes transition to circular economy – use reusable, easy to refurbish, recyclable products



# Challenges in EPR implementation

- EPR is a new concept
- Inadequate infrastructure such as collection points and to recycle all waste fractions
- Lack of a compensation criteria for players in the value chain for waste collection service.
- Inadequate capacity to run effective EPR schemes
- Inadequate public awareness for people to segregate waste at source
- Inadequate funds to support robust enforcement

End