

EXPERIENCES IN LEGISLATION STATUS OF BUNGOMA COUNTY E-WASTE MANAGEMENT BILL IN KENYA

Dr. Anthony Mabele, PhD
Member, County Assembly Service Board,
County Assembly of Bungoma,
Bungoma County



Presentation outline

- E-waste and legislation
- Bungoma County e-waste management bill 2019
- Current legislation in e-waste management
- E-waste management challenges
- Perspectives on e-waste management challenges
- Core tasks by governments
- E-waste flows and framework
- Extended Producer Responsibility
- Recommendations
- Acknowledgements

E-Waste and Legislation

- E-waste refers to all items of Electrical and Electronic Equipment (EEE) that have been discarded as waste without the intent of prevention and 4Rs (reduction, reuse, recycling and recovery).
- E-waste is also referred to as WEEE (Waste Electrical and Electronic Equipment), electronic waste or e-scrap.
- Legislation is the governance process of promulgating/enacting laws.
- A bill is an item of legislation in the process of becoming a law.

Bungoma County E-Waste Management Bill-2019 (BCEM Bill 2019)

- Developed by the County Assembly of Bungoma e-waste working group.
- Through an Act of the County Assembly of Bungoma, Section 2 (g), Part II of the 4th Schedule to the Constitution of Kenya 2010.
- To establish the Bungoma County E-Waste Management Committee.

Status of BCEM Bill 2019

- Submitted to the Budget and Appropriations committee stage for comments before publication.
- BCEM bill-2019 is a money bill as per Article 114 of the Constitution of Kenya 2010, and the County Assembly of Bungoma Standing Orders 111 and 114.

E-Waste Status in Bungoma County and Kenya

- Inadequate data on E-waste
- Kenya had a total of 57.3 million mobile phone subscribers by June 2020
- Internet users were 41.5 million by June 2020
- 119.9% mobile penetration in the country
- Last mile electricity connection programme led to increased use of EEE
- COVID - 19 accelerated need for e-transactions

E-waste laws currently in use in Kenya

- Constitution of Kenya 2010
- Environmental Management and Coordination Act 1999
- Waste Management Regulations 2006
- Public Procurement and Disposal Act 2015
- E-waste guidelines 2011
- National E-waste Strategy 2019
- Draft E-waste regulations 2022

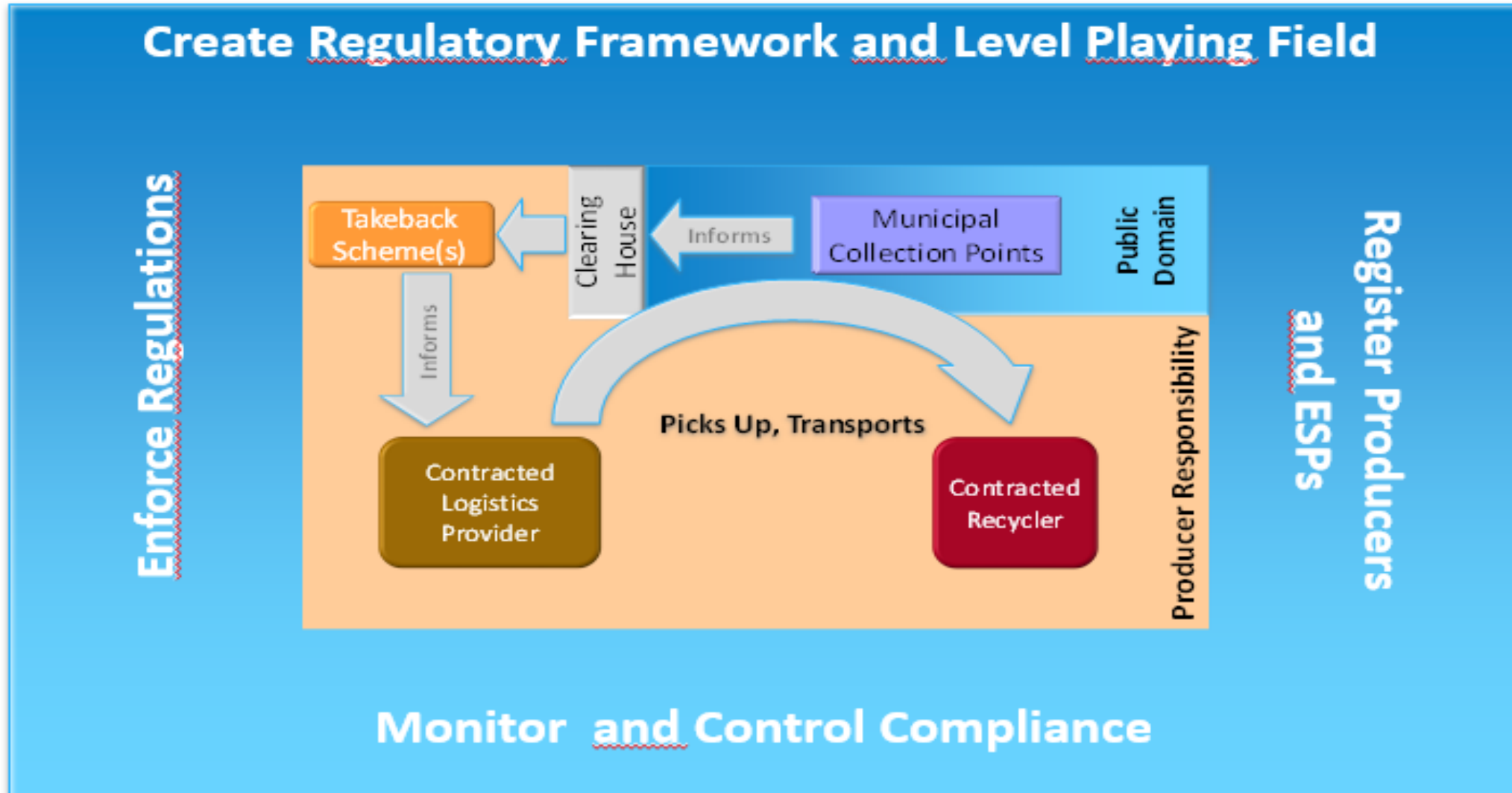
E-waste management challenges

- E-waste dumped everywhere not considering its toxic nature
- Huge volumes held by consumers
- Obsolete technology e.g. analogue broadcasting gadgets not yet disposed.
- Tracing mechanism - very poor
- Informal handlers who operate in secretive way
- Only 3 licensed e-waste handlers
- Inadequate e-waste handling infrastructure

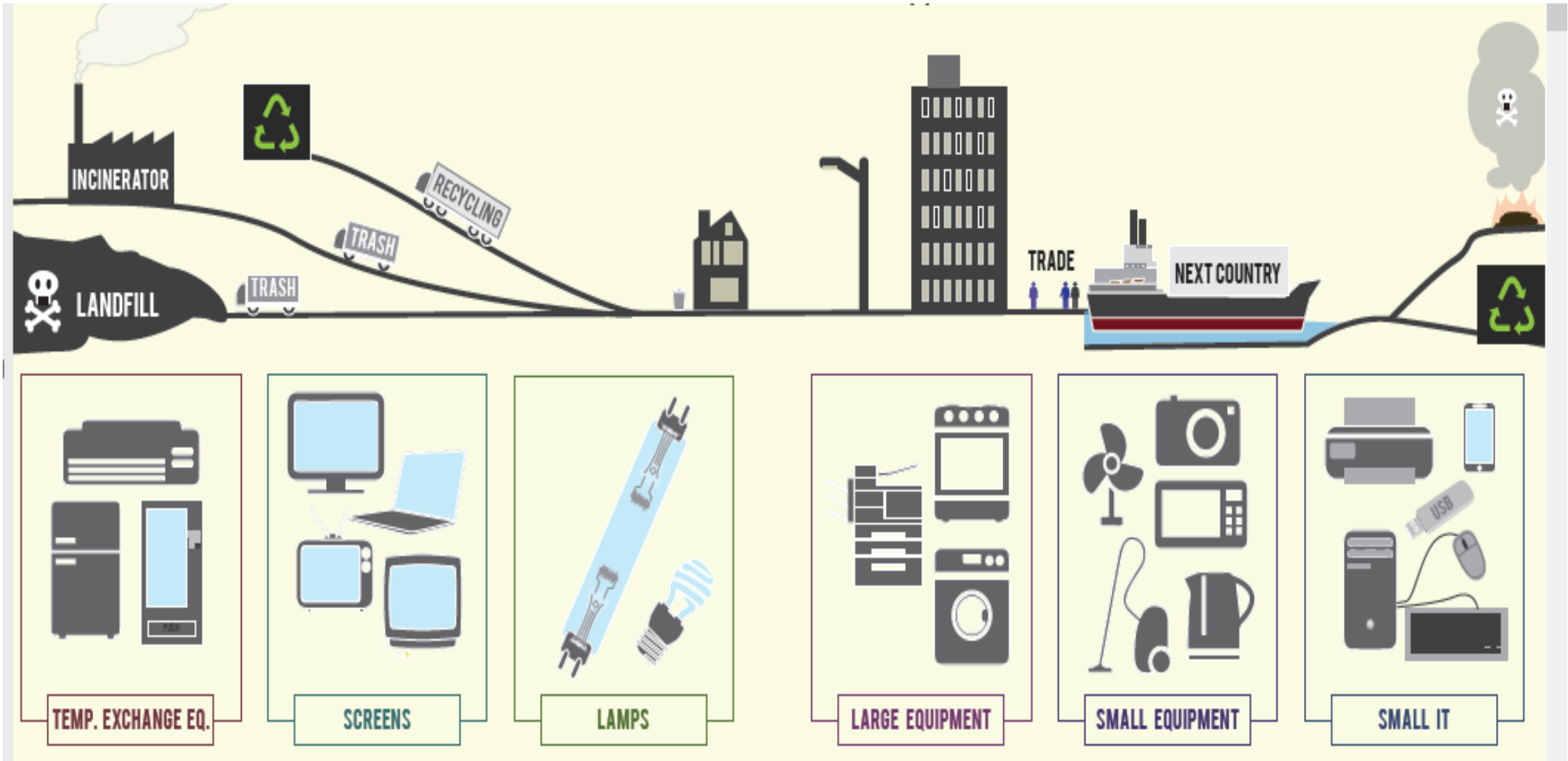
Perspectives on e-waste management challenges

- Producers not bound to take responsibility for their obsolete EEE
- Higher learning institutions pay less attention to e-waste management, no curriculum/courses
- Extended producer Responsibility (EPR) gap
- Lack of EPR responsible for;
 - Low collection and appropriate disposal of E-waste
 - Low investment in e-waste processing infrastructure
 - E-waste dumping everywhere

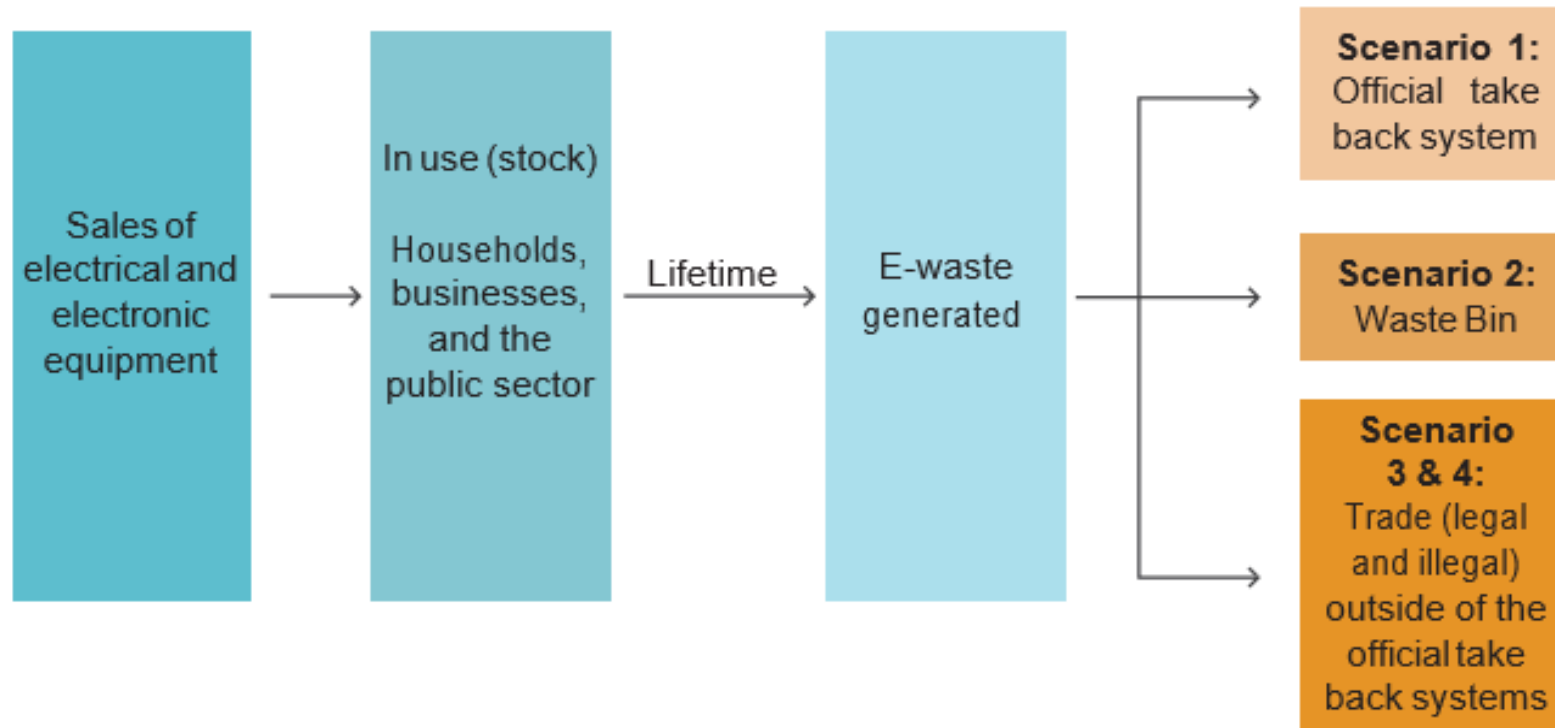
Core tasks by Governments



E-waste flows



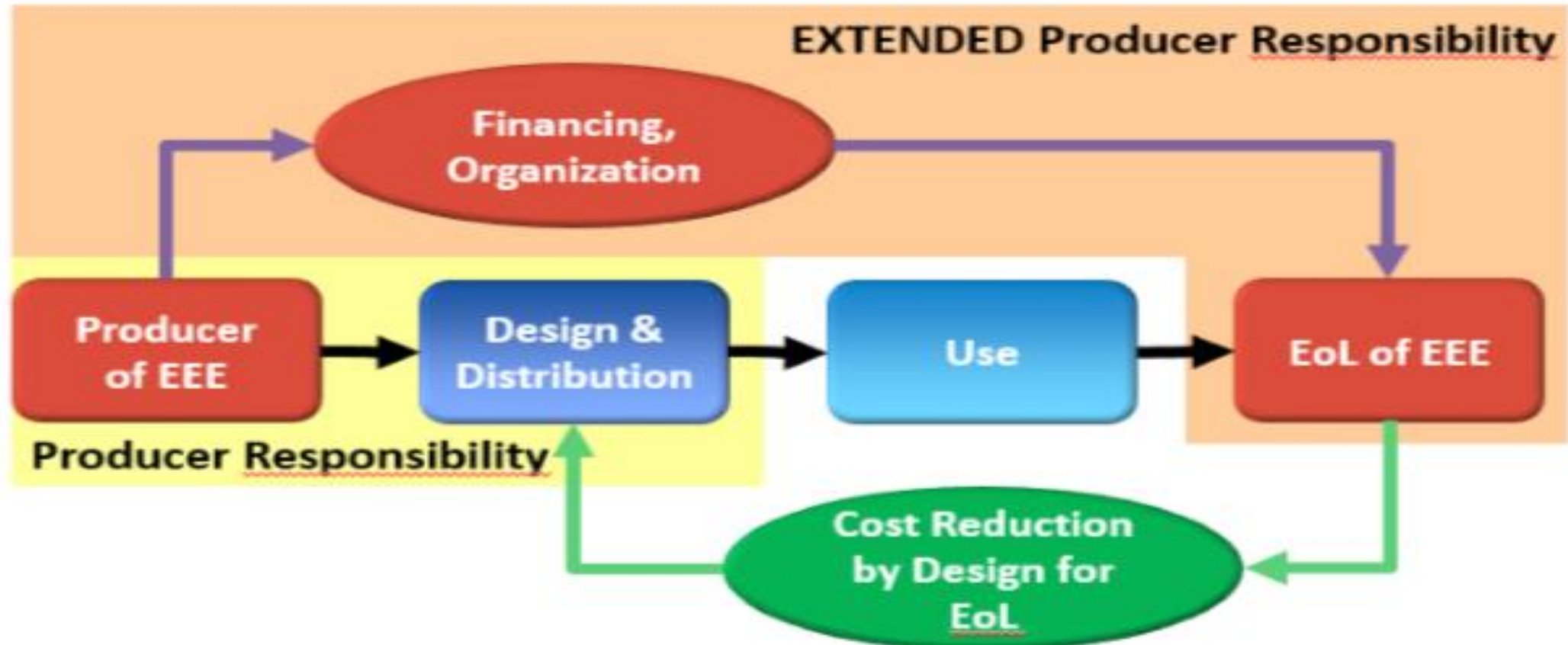
Framework measuring e-waste flows



Producer Responsibility on E-waste Management

- All producers have the following obligations;
 - All producers to be registered by NEMA
 - To be members of appropriate Producer Responsibility Organizations (PRO).
 - All producers to pay fees to PRO for execution of EPR obligations
 - PRO to execute EPR on behalf of the members
 - PRO to procure services of E-waste Recyclers, collectors and transporters prior to annual licensing by NEMA.
 - PRO to submit 2 year EPR plan prior to registration by NEMA.
 - PRO to declare volumes of E-waste processed annually
 - PRO to declare funds invested in e-waste management
 - Both PRO and Producer to be prosecuted in case of breach of EPR obligations

The Basic concept of Extended Producer Responsibility



Source: Baldé, C.P, Wang, F., Kuehr, R., Huisman, J. (2015), The global e-waste monitor – 2014, United Nations University, IAS – SCYCLE, Bonn, Germany.

Recommendations

- County and National Governments to allocate funds to establish e-waste information hubs, recycling centres.
- National Government to establish EEE learning institutions and develop curriculum for e-waste management.
- Everybody has a role to assume their responsibility
- Operationalize the EPR

Acknowledgements

- ❖ County Assembly of Bungoma
- ❖ Bungoma County E-Waste Management Committee
- ❖ EACO and WG7 for e-waste training/capacity building opportunities.

THANK YOU!