

**NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY**

**TALKING POINTS BY THE DIRECTOR GENERAL DURING THE 7TH EACO REGIONAL AWARENESS CONFERENCE ON SUSTAINABLE E-WASTE MANAGEMENT IN THE EAST AFRICAN REGION**

1. E-waste management is a major challenge in Kenya.
2. Addressing the waste management challenge effectively in Kenya is critical to delivering on Kenya’s constitutional right to a clean and healthy environment for all, advancing the circular economy to create green jobs and wealth from the waste sector, and realisation of the nation’s sustainable development goals.
3. Volumes involved are not well documented but are thousands of tonnes annually.
4. Point of generation of e-waste is everywhere – commercial, industrial, hospitals, homes etc.
5. Only a few facilities able to extract valuables from e-waste but residual toxic waste litters our environment and dumpsites.

E-waste management in Kenya is guided by a number of legal and regulatory frameworks both international and local. Some of the key frameworks include:-

1. The Kenya Constitution 2010 gives the right to every Kenyan to a clean and healthy environment under Article 42. Article 69 obligates the government to eliminate any processes that degrade the environment.
2. Kenya Constitution 2010 legislates that any Convention that the Country has ratified becomes part of the national laws. Some of the international conventions regulating hazardous waste include the Basel Convention and the Bamako Convention and are therefore part of Kenyan legislation.
3. The main legislation guiding e-waste management in Kenya is the Environmental Management and Coordination Act 1999 (Revised 2015) and the Waste Management Regulations (2024). These laws prohibit handling, transportation and disposal of waste without valid licenses issued by the National Management Authority (NEMA). Import of E-waste to Kenya is prohibited
4. Section 165(2) of the Public Procurement and Disposal Act directs Public institutions to bond and invite competitive tenders for disposal of computers and other EEE as scrap only from players licensed to handle the respective waste as prescribed under section 88 of the Environmental Management and Co-ordination Act, 1999.
5. However in most cases, these licensed handlers fail to bid and to purchase e-waste since they can get it freely from diverse sources. The law fails to provide further guidance in case the recyclers fail to bid for purchase of e-waste. This bureaucratic process is slow and results in huge stock of obsolete computers and other e-waste held in public institutions.
6. Kenya has just finalized an e-waste regulation under the EMCA 1999 and is now at the final stages of finalization and enactment. The E-waste Regulations stipulates that the EEE producers will be responsible for their waste through the Extended Producer Responsibility (EPR) schemes.
7. The Extended Producer Responsibility (EPR) Regulations 2024 identify e-waste as one of the products subject to EPR. The producers of Electrical and Electronic Equipment (EEE) are expected to register with NEMA as well as establish or join a Producer Responsibility Organization as shareholders and operationalize an EPR Scheme collectively.
8. NEMA in 2010 formulated the National E-Waste Guidelines to assist the government, private sector, learning institutions and other stakeholders to manage e-waste effectively to enhance environmental conservation. The guidelines prescribe approaches to enhance environmental protection; environmental awareness; categories of e-waste and target groups; e-waste treatment technologies; and disposal procedures.
9. The East African Communications Organization (EACO) in 2017 developed the Regional E-Waste Management Strategy, to guide the region on E-Waste management. Each member country was required to develop a national E-waste Strategy. Kenya has complied with this requirement and developed a National E-Waste Strategy 2019 to guide the country’s interventions in management of E-waste, and is now ripe for review.

**Enforcement of e-waste management going forward** will be guided by both EPR regulations 2024 and waste management regulations 2024. All waste generators are expected to segregate waste at source and e-waste will be stored in black color coded bags together with general waste. It could also be stored in blue color coded bags as recyclables.

E-waste will be transported in segregated state to the material recovery facilities.

The Producer responsibility Organizations are expected to facilitate collection, transportation, recycling and handling of end of life safe disposal of e-waste.

**Operationalization of EPR**

EPR implementation is ongoing and producers are expected to

1. Register with NEMA as a producer – this is already ongoing online
2. declare volumes of products introduced into the country as well as waste managed through reuse, recycling and appropriate disposal. This will help NEMA to get data for further decision making on waste management.
3. Join or establish an individual or collective EPR scheme to implement their EPR obligations for the members.
4. For those importing finished products and packaging listed in Schedule 1, pay Kshs 150 per item (standard unit of measure e.g. dozen, carton, bale) to NEMA which will be used for management of end of life management of waste at post recycling or incineration level usually in sanitary engineered landfills. The basis for this fee is that most products are not recycled completely and generate residual waste which need to be managed and hence more research, technologies and infrastructure is needed.

The Producer Responsibility Organizations are expected to:-

1. Implement EPR obligations for their members.
2. Develop EPR plan for management of each product released to the environment by their membership.
3. Report to NEMA on EPR implementation
4. Receive EPR fees from producers based on an approved formula to facilitate implementation of EPR obligations.

**Role of NEMA in EPR implementation**

1. The Authority (NEMA) is expected to play a significant role in implementing the EPR regulations as itemized below.
2. Developing and automating a registration and licensing system.
3. Developing the PRO reporting systems.
4. Developing the National recycling targets which will guide the PRO targets.
5. Training of NEMA and County staff on the EPR regulations
6. Training of the producers and PROs on their EPR obligations.
7. Creating a level playing field for all producers to participate in EPR
8. Compliance and enforcement of EPR implementation by producers and PROs.

NEMA has opened the portal for registration of EEE producers and will ensure that all producers are registered by 4th May 2025.

NEMA also developing an integrated information management system to report on volumes of e-waste introduced into the country.

**Conclusion**

1. The current poor state of waste management is a threat to public health and environment, loss of valuable resources for job and wealth creation, as well as an eyesore that negatively affects tourism and the wellbeing of all Kenyans.
2. The EPR Regulation will advance Kenya towards a more sustainable and circular economy as well as the realization of the Zero Waste principle. po
3. It ensures that the producers of products and packaging take responsibility of their waste at post-consumer level.
4. It shifts financing for waste management from Counties to the producers of products and packaging, and this will ensure that appropriate waste management systems and technologies are put in place to assure reduced environmental pollution.
5. Implementation of EPR has commenced, producers and PROs have until 3rd May to comply with the EPR regulations 2024.
6. As a leader in East Africa, we invite our neighbours to strengthen partnership in sharing experiences and innovations to address the e-waste menace in the region.

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