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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

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