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STATEMENT ON CLARIFICATIONS ON EXEMPTIONS AND APPLICATION FOR CLEARANCE UNDER THE PLASTIC BAN GAZETTE NOTICE

The National Environment Management Authority (NEMA) has repeatedly communicated the interpretation of the plastic ban gazette notice 2356 of **28th February 2017** and wishes to state as follows:

1. Compliance management requires that exempted products and /or operations must operate under regulatory rules and conditions so that the Authority's compliance monitoring to be undertaken ensures that the regulated community operates within acceptable levels.
 2. Plastic products which are **exempted by the Ban** and **have applied for clearance** are to continue operating as the Authority prescribes specific rules and conditions for them to operate. The facilities are however required to provide copies of the clearance application as first level of compliance. This therefore clarifies the misinterpretation of facts that operations stop as the facilities wait for the clearance certificates.
 3. For clarity, the banned and exempted products are as follows:
 - (a) **Category 1: Plastic carrier bags**

All bags in this category are banned. For clarity these are bags commonly known as "Juala" that are used as secondary packages for items in shops, markets etc. There is **NO EXEMPTIONS** in this category.
 - (b) **Category 2: Flat bags**

Flat bags used for carrying items outside industrial setting e.g. groceries, are banned. However, in this category **EXEMPTION** is extended for bags used for **industrial primary packaging** where the product is direct contact with the plastic and is done at the source. The exemption is subject to:
- (i) Extended Producer/User Responsibility and/or effective Take Back Schemes;
 - (ii) Legibly and permanently labeled bags to indicate the name of the industry manufacturing the product, the end-user and physical

addresses for ease of monitoring, traceability and therefore ease of enforcement intervention;

- (iii) Keeping of inventory/record with the aim of implementing the take back scheme.

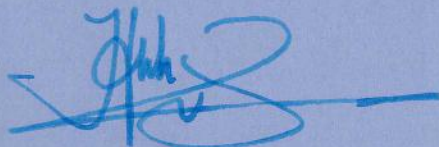
(c) **Category 3: Flat bags used as Garbage and hazardous (e.g. medical waste, chemicals etc.) waste liners**

- (i) Hazardous waste liners are exempted so long as they are legibly and permanently labeled (as indicated in 2 ii above) and color-coded and are incinerated together with the waste;
- (ii) Garbage Liners are also exempted on condition that they are clearly labeled (as indicated in 2 ii above) and have demonstrated effective and efficient Extended Producer/User Responsibility and/or effective Take Back Schemes. The liners will NOT be dumped together with the waste but will be emptied and reused or recycled by the licensed waste collector and transporter (the end user).

(d) **Category 4: Duty Free shop bags**

Bags issued at Duty free shops at airports are exempted due to ICAO and IATA Rules and Regulations. However, any traveler coming into Kenya with duty free bags shall be required to leave the same at the point of entry.

NEMA remains committed to ensuring a clean and healthy environment for all.



PROF. GEOFFREY WAHUNGU
DIRECTOR GENERAL