



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

FREQUENTLY ASKED QUESTIONS ON EPR IMPLEMENTATION

1. Where is the distinction between manufacturers and brand owners with regard to implementation of EPR?

No difference. Both are producers who introduce products into the Kenyan market. However, both need to account for their proportion of attribution to avoid double counting of EPR fees.

2. Whose responsibility is it when items are left in the environment i.e. PRO, Manufacturer, brand owner or wholesalers?

The producers bear the primary obligation while others are secondary players.

3. What costs inform the charges by a producer to the PRO?

Costs to cover collection, transportation, public awareness, recycling, incineration, landfilling, public awareness, auditing and reporting.

4. If I buy T-shirts and screen print them to sell, who pays EPR fees?

The producers should map the value chain for their product to ensure that there is no double counting.

5. How shall NEMA ensure data protection for the producers?

NEMA receives a lot of data through EIAs and EAs and has already established a system for data management to maintain secrecy of information submitted.

6. Will data be shared among members of the multiagency team implementing the EPR?

NEMA will validate data provided by producers with databases from other enforcement agencies. The data will inform discussions by the multiagency team to enhance decision making. However, final custody of the data remains with NEMA as well as choice of information to be shared with the multiagency team.

7. What measures will NEMA take to discourage joyriders?

After expiry of the reporting period for the producers on 30th October 2023, NEMA will validate the new database with the others held in agencies such as KEBS and KRA. All producers not found in the NEMA database will be summoned and held to explain their non-compliance with the law. Enforcement action will be taken against those who are not compliant with the Act.

8. How shall PROs ensure that money reaches the waste pickers?

The SWM Act 2022 establishes diverse players within the value chain such as MRFs, Collection Points, transporters, recyclers, incinerators and landfill. The waste pickers operate at the low levels of the value chain such as the MRF and Collection Points and the PROs can pay these players at that level.

9. How will NEMA ensure that only genuine and active Waste Service Providers are incentivized and not impostors.

The Sustainable Waste Management Act section 9.9 requires all waste service providers to be registered by the County Government. In addition, NEMA also registers the Collection Points, Collection Centers, transporters, Material Recovery Facilities and Landfills.

10. How will NEMA ensure that waste pickers are getting equal and fair terms from across the country?

The producers are expected to publish the payment rate for waste collection service per product which will go directly to the waste pickers. This payment will be paid at the collection point or the material recovery facility.

11. What will happen if a producer does not pay the PRO?

A producer fails to pay PRO fees for 3 months will be considered non-compliant and will be reported to NEMA who will institute enforcement action.

12. Are the volumes declared by the producers similar for NEMA and the PRO?

NEMA receives annual reports from both PROs and producers. Reporting by producer to the PRO will be as per membership agreements.

13. What is meant by “identification and tracking of your product?”

It implies marking and labelling to ensure the traceability of chemicals, contents of products and packaging throughout their life cycle.

14. If I trade in selling electric generators, what volumes should be declared?

Section 13(1) of the SWM Act 2022 states that “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.

In this regard, the products introduced into the market are likely to become pollutants during their end of life stage, and hence need to be declared. The declaration in this case is for the generator itself and its packaging. The same applies for all other products.