



*The Kenya Alliance of Resident Associations*



**MEMORANDUM**

**ON**

**NATIONAL SUSTAINABLE  
WASTE MANAGEMENT  
POLICY**

**SUBMITTED TO**

**THE MINISTRY OF ENVIRONMENT AND  
NATURAL RESOURCES**

**SUBMITTED BY**

**KENYA ALLIANCE OF RESIDENT ASSOCIATIONS  
(KARA) AND KENYA ASSOCIATION OF  
MANUFACTURERS (KAM)**

21<sup>ST</sup> MAY 2019

**1. Title of the Policy**

Insert the word “solid” after the word “sustainable” so that the title of the policy reads “National Sustainable Solid Waste Management Policy”.

The policy is dealing with solid waste and not the whole waste spectrum that includes liquid waste.

**2. General Provision on Stakeholder consultation**

Insert the words –

- (a) “in consultation and collaboration with relevant stakeholders” in the introductory paragraphs on national government and county policy measures
  
- (b) “in consultation and collaboration with county governments” in introductory paragraphs dealing with national government policy measures, in addition to the above statement on stakeholder consultation.

Consultation and collaboration with relevant stakeholders is core pillar in integrated solid waste management i.e. inclusivity. This should therefore be captured in the policy statements. In addition, most of the policy measures related to national government have implications on county governments especially in regard to implementation. Consequently, the national government should consult and collaborate with county governments. Most of the functions and activities related to solid waste management are implemented in the concurrent jurisdiction, hence the need for inter-governmental collaboration and consultation.

**3. 3.1.1 Adoption of waste hierarchy**

**National government**

In paragraph (ii), delete the “10-year rolling” and substitute therefor the words “5-year”.

This will align it with section 3.1. which obligates national government to prepare a 5-year strategy.

There is also the need to adopt one approach in terms of the two parts referring to strategy and plan

**4. 3.1.2. Prevention and reduction**

**National government**

- (a) In section 4 (i), delete the words “Require all” and substitute therefor the words “promote and facilitate” and inserting the words “where applicable” at the end of the paragraph.

Not all raw materials or inputs in production process are classifiable as eco-friendly or not. Consequently, it would not be appropriate to provide for a general clause requiring all producers to use eco-friendly raw materials. Use of eco-friendly raw materials to be applied on relevant sectors and should be more of government encouraging and facilitating use of eco-friendly raw materials.

- (b) In section 4 (iii), insert the words “in accordance with international standards and best practices” after the words “management at the end of the lifecycle”.

This will ensure that the requirements are in accordance with international standards.

**5. 3.1.3. Re-use**  
**County governments**

Insert a new policy measure as follows–

- 2. Adopt measures to promote and facilitate re-use of packaging materials or any material that may be re-used

This will promote county government to promote reuse of materials besides setting up of collection centers

**6. 3.1.4. Re-cycling**  
**National government policy measures**

- (a) In section 1 and 2, insert the words “in accordance with international standards and best practices applicable for classification of waste”.

There are already international standards for classification of waste. Consequently, the ministry should be guided by those standards

- (b) Delete section 10 and substitute therefor the following –
  - 10. Develop Regulations requiring every waste generator to ensure that all waste generated that is recyclable, is segregated, handled and stored in accordance with the prescribed standards so as to facilitate effective recycling of materials

- (c) Insert a new clause 12 and 13 as follows–
  - 12. In collaboration with county governments, private sector and relevant stakeholders, adopt 3-year national goals and targets to be achieved in realizing optimal waste recycling

- 13. In collaboration with private sector, promote and facilitate development of industry based symbiotic relationships for purposes of ensuring forward waste-input product linkages within production value chain.

The responsibility of a waste generator is to reduce and prevent waste generation, segregate waste, store and handle waste in accordance with the standards and have the

waste collected by the waste collector and transported. The waste generator should not be obligated to be involved with the subsequent activities in the value chain.

National goals and targets will ensure that national and county governments and relevant stakeholder partner in pursuing optimal waste recycling

### **County government**

(a) Delete section 3 and substitute therefor the following –

3. Adopt policy and legislative measures that require every waste generator to ensure that all waste generated that is recyclable, is segregated, handled and stored in accordance with the prescribed standards so as to facilitate effective recycling of materials

(b) Insert a new clause 4 as follows –

4. In collaboration with national government and relevant stakeholders, adopt policy measures and strategies for implementing and monitoring implementation of the national goals and strategies for waste

The responsibility of recycling any waste does not and should not lie with the waste generator. The responsibility of a waste generator is to reduce and prevent waste generation, segregate waste, store and handle waste in accordance with the standards and have the waste collected by the waste collector and transported. The waste generator should not be obligated to be involved with the subsequent activities in the value chain.

## **7. 3.1.5. Composting/biological processing of waste**

### **County governments**

In section 2, insert the words “or promote establishment of composting sites by the private sector, households or community organizations” after the words “composting sites”

Composting may be done by the private sector and non-government actors at different levels

## **8. 3.1.6. Waste treatment before disposal**

Waste management facilities

(a) This aspect is repeated twice i.e. before national government policy measure and county policy measures. This should be clarified

(b) Delete the words “license” and substitute therefor the words “certification”, in both parts related to waste management entities. The role of national government is to set standards and verify compliance with the standards while the role of the county government is to issue licenses and ensure compliance with the conditions of the licenses as well as implementation of the processes.

(c) Under county government, insert a new section 2 as follows –

2. Subject to certification by the national government, a county government shall issue license to the operators of waste management facilities, for purposes of operating in the county.

The role of national government is to set standards and verify compliance with the standards while the role of the county government is to issue licenses and ensure compliance with the conditions of the licenses as well as implementation of the processes.

### **9. 3.2.2. Measures for Waste Segregation**

#### **National government**

- (a) Delete section 2 and substitute therefor the following –
  2. Develop standards for inclusion and integration of waste segregation and collection receptacles in building designs.

The requirement should be on development of standards for designs related to receptacles and not designing standard receptacle. Each building has different design and therefore a standard design may not be applicable.

- (b) In section 4 by inserting the words “Provided that waste segregation and sorting at source shall be containerized in appropriate containers or receptacles in accordance with the prescribed requirements and standards for purposes of ensuring efficiency in waste sorting and collection” after the words “institutional levels”.

Waste segregation should not be a burden to the waste generators. Practically, waste should be segregated into dry and wet matter. This will enable effective segregation and point of generation. The rest of waste separation should take place at waste sorting centers.

#### **County government**

- (a) In section 1, by deleting the word “enforce and substitute therefor the words “Promote, facilitate and ensure compliance with requirements for”.

The role of county government in waste segregation should include promotion and facilitation of compliance.

### **10. 3.2.3. Collection**

#### **National government**

- (a) In section 3, insert the words “of prescribed products” after the word “traders”. Not all products require extension of producer responsibility. Consequently there will be need to identify and prescribe the specific products that will be covered under the scheme.

This will ensure that product labeling requirements is based on products applicable for the requirement

(b) Insert new clause 11 as follows –

11. Promote and facilitate establishment of Producer Responsibility Organizations (PROs) for purposes of establishment of effective establishment of extended producer responsibility schemes.

Since this is a new field in Kenya, it would be important for the government to promote its establishment and growth.

(c) In section 9, insert the words “ households, private sector or community organizations” after the words “Resident Associations”. This would enable inclusion of the wider categories of groups in a locality.

### **11. 3.2.4 Waste transportation**

#### **National government**

Delete section 5 and substitute therefor the following –

5. Solid waste transportation vehicles shall be licensed by the national government

The role of national government should be to ensure that vehicles transporting waste meet the standards. The national government should not be licensing provision of waste management services. This should be county function.

#### **County government**

Insert new sections 2 and 3 as follows –

2. License solid waste transporters.

The county should license waste transporters, provided their vehicles have been licensed by the national government

### **12. 3.2.5. Waste service providers**

#### **Measures applicable to collectors and transporters**

In section 3, delete the words “waste management plan” and substitute therefor the following “waste management service delivery plan, in accordance with prescribed guidelines”.

Waste transporters should not be held responsible for waste management in general. Waste management service delivery plan would be more relevant due to the level of participation of waste collectors and transporters in the value chain

### **13. 3.3.1. Strengthening institutional framework**

#### **National government**

Delete section 2 and 3 and provide for creation of an intergovernmental structure under the part dealing with concurrent matters as follows –

#### **Concurrent**

1. There shall be established the Inter-governmental Coordinating Committee on Solid Waste Management which shall consist of
  - (a) Officers representing the ministry responsible for environment, National Environment and Management Authority, Water Resources Authority
  - (b) County Officers representing county governments as may be designated by county governments
  - (c) Representatives from the private sector, resident associations and relevant non state actors involved in solid waste management
  
2. The functions of the Inter-governmental Coordinating Committee on Solid Waste Management shall be to–
  - (a) Advise national and county governments on effective implementation, monitoring and evaluation of national and county solid waste management policies, laws, strategies and plans
  - (b) Provide a platform for inter-governmental consultation, collaboration, cooperation and coordination on solid waste management
  - (c) Advise national and county governments on appropriate national and county solid waste management policies, laws, strategies and plans that may be adopted

In accordance with Art. 189 of the Constitution, functions to be implemented in concurrent jurisdiction should be implemented through coordination, collaboration and consultation between national and county governments. In addition, what is needed more for such as structure is coordination of implementation of policies and laws and not oversight. The Council as proposed does not conform with Art. 189.

#### **County government**

Delete section 2 and substitute therefor the following–

2. Establish appropriate institutional structure consisting public and private sector for facilitating public-private coordination, collaboration, cooperation and consultation on solid waste management which shall be integrated with county environment committees established under the Environmental Management and Coordination Act.

The county environment committee cannot provide oversight over county functions, in this case, solid waste management. Oversight function is the preserve of the department and not a committee. Committees play advisory role or facilitation of policy implementation as well as service delivery coordination.