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THE NATIONAL ASSEMBLY

ELEVENTH PARLIAMENT – FIFTH SESSION – 2017

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES
REPORT ON THE PETITION BY KENYA ASSOCIATION OF MANUFACTURERS ON
THE BAN, ON THE USE, MANUFACTURE AND IMPORTATION OF PLASTIC BAGS

DIRECTORATE OF COMMITTEE SERVICES,
CLERK'S CHAMBERS
PARLIAMENT BUILDINGS
NAIROBI
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MAY, 2017

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CHAIR'S FOREWORD

I am Pleased to present to the House the report of the Committee on Environment and Natural Resources on its consideration of a petition presented by Hon. John Olago Aluoch, MP to the National Assembly regarding the ban on the use, manufacture and importation of plastic bags pursuant to Standing Order 227.

The petitioners submitted their prayers in line with Articles 37 and 119 of the Constitution and also in line with the provisions of the *Petition to Parliament (Procedure) Act 2012* and the *National Assembly Standing Orders*. The prayers of the petitioners were based on Gazette Notice No. 2356 of 2017

The Committee wishes to acknowledge the time and considerable effort made by all parties who volunteered information to help determine the prayers of the petitioner. I also wish to express my gratitude to the members of the committee for their thoughtful and engaged contribution to the matter. Further the Committee is indebted to the Office of the Speaker and the Clerk of the National Assembly for facilitating this activity. I also wish to recognize the commitment and dedication of the staff of the committee that made the work of the Committee and the production of this report possible.

It is now my pleasant duty to table the report of the Departmental Committee on Environment and Natural Resources, in relation to the petition by Kenya Association of manufacturers regarding the ban on the use, manufacture and importation of plastic bags pursuant to National Assembly Standing Order 227(2).

HON. AMINA ABDALLA, CBS, MP

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

EXECUTIVE SUMMARY

The Speaker of the National Assembly on Wednesday, 29th March 2017, pursuant to the Standing Order No. 225 (2) (b), reported to the House a petition presented by the Hon. John Olago Aluoch, MP, on the ban, on the use, manufacture and importation of plastic bags.

The Committee considered the prayers sought by the petitioners through holding meetings with Hon. John Olago Aluoch, M.P, Cabinet Secretary Ministry of Environment and Natural resources and Kenya Association of Manufacturers during which evidence was adduced, documents reviewed. The evidence obtained from the exercise informed the determination of the prayers of the petitioner by the Committee.

The Committee observed that, the Gazette Notice No. 2356 of 2017 on the ban, use, manufacture and importation of plastic bags did not comply with the statutory Instruments Act, 2013. Even if, the issuance of the Notice had complied with the relevant provisions of the statutory Instruments Act 2013, the timeline of six months given in the Notice for companies to cease operation was unreasonably short.

The Committee noted that the companies would require ample time to clear all stocks, dispose-off assets and fulfill contractual obligations to employees and suppliers.

The Committee recommends the immediate suspension of Gazette Notice No. 2356 of 2017. This is informed by-Unreasonableness of the time frame provided to implement the legal Notice, Lack of adequate stakeholder consultation which is a mandatory constitutional and legal requirement in policy and legal framework formulation and implementation, Non-compliance with provisions of the statutory instruments Act 2013

The prayers No. 2 and 3 of the petition form part of the consultation issues between the government and the stakeholders.

The Treasury should ring-fence the revenue generated from the excise duty levied on the plastic bag manufacturers.

These monies should be specifically applied to implement projects and programmes related to plastic waste control and management.

The government should close down all unlicensed manufacturers of plastic bags operating at the expense of legally recognised ones and take legal action against those found to have flouted the law. Part of the levies paid by the plastic manufacturers should be applied to fund research and entrepreneurial initiatives geared towards production of alternatives to plastic bags.

The National government should enact strategic policy and legal framework to guide the County governments in waste management.

MANDATE OF THE COMMITTEE

The Departmental Committee on Environment and Natural Resources is established under the National Assembly Standing Orders No. 216(1). The functions and mandate of the Committee are also contained under the National Assembly Standing Orders, No. 216(5) as:-

- a) Investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- b) Study the program and policy objectives of the Ministries and departments and the effectiveness of the implementation;
- c) Study and review all legislation referred to it;
- d) Study, access and analyze the relative success of the Ministries and Departments as measured by the results obtained as compared with its stated objectives;
- e) Investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House;
- f) Vet and report on all appointments where the constitution or any law requires the National Assembly to approve, except those under Standing Order 204; and
- g) Make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

The subject matter of the Departmental Committee on Environment and Natural Resources are stated in the Second Schedule of the National Assembly Standing Orders No. 216 (f) as follows: climate change, environment management and conservation, forestry, water resource management, wildlife, mining and natural resources, pollution and waste management.

OVERSIGHT

In executing its mandate, the Committee oversees the following Government Departments namely:-

- i. The State department for Water Services;
- ii. The State Department of Environment;
- iii. The State Department for Natural Resources; and
- iv. The Ministry of Mining

COMMITTEE MEMBERSHIP

1. Hon. Amina Abdalla, CBS, M.P. - **Chairperson**
2. Hon. Alexander. K. Kosgey, M.P. - **Vice Chairperson**
3. Hon. Dukicha Hassan Abdi, M.P.
4. Hon. Emanikor Joyce Akai, M.P.
5. Hon. Ganya Francis Chachu, M.P.
6. Hon. Geni Charles Mongare, M.P.

7. Hon. Shukran Hussein Gure, M.P
8. Hon. Moitalel Ole Kenta, M.P.
9. Hon. Mohamed Diriye Abdullahi, M.P.
10. Hon. Kathuri Murungi, M.P.
11. Hon. Ogalo George Oner, M.P.
12. Hon. Sunjeev Kaur Birdi, M.P.
13. Hon. Tonui, Ronald Kiprotich, M.P.
14. Hon. (Dr.) Wanyonyi Reginalda N, M.P.
15. Hon. Farah Abdulaziz Ali, M.P.
16. Hon. Ejidius Njogu Barua, M.P.
17. Hon. Irea Gideon Mwiti, M.P
18. Hon. (Major) Muluvi Marcus Mutua, M.P.
19. Hon. Ndiritu Samuel Mathenge, M.P.
20. Hon. (Dr.) Ottichilo Wilber Khasilwa, M.P.
21. Hon. Rop Jackson Kipkorir, M.P.
22. Hon. Abdinoor Mohamed Ali, M.P.
23. Hon. Alice Ng'ang'a, M.P.
24. Hon. Peter Kinyua, MP.
25. Hon. Richard Makenga, M.P.
26. Hon. Jude Njomo, M.P.
27. Hon. Joyce Lay, M.P.
28. Hon. Wandayi James Opiyo, M.P
29. Hon. Zuleikha Hassan, M.P

COMMITTEE SECRETARIAT

Clerk Assistant II	Ms. Tracy Chebet Koskei
Clerk Assistant III	Mr. Hassan A. Arale
Legal Counsel II	Mr. Ronald Walala
Senior Research Officer	Mr. Ahmed Hassan Othowa
Fiscal Analyst III	Ms. Amran Yunis
Third Research Officer	Mr. James Muguna

COMMITTEE RECOMMENDATIONS

1. The immediate suspension of Gazette Notice No. 2356 of 2017. This is informed by-
 - (i) Unreasonableness of the time frame provided to implement the legal Notice
 - (ii) Lack of adequate stakeholder consultation which is a mandatory constitutional and legal requirement in policy and legal framework formulation and implementation
 - (iii) Non-compliance with provisions of the statutory instruments Act 2013
2. The prayers No. 2 and 3 of the petition form part of the consultation issues between the government and the stakeholders.
3. The Treasury should ring-fence the revenue generated from the excise duty levied on the plastic bag manufacturers. These monies should be specifically applied to implement projects and programmes related to plastic waste control and management.
4. The government should close down all unlicensed manufacturers of plastic bags operating at the expense of legally recognised ones and take legal action against those found to have flouted the law
5. Part of the levies paid by the plastic manufacturers should be applied to fund research and entrepreneurial initiatives geared towards production of alternatives to plastic bags
6. The National government should enact strategic policy and legal framework to guide the county governments in waste management.

1.0 INTRODUCTION

The petition on the ban on the use, manufacture and importation of plastic bags was presented to the House on 29th March 2017 by Hon. John Olago Aluoch, MP on behalf of Kenya Association of Manufacturers. . The petition was committed to the departmental committee on Environment and Natural Resources for consideration and reporting to the House.

The petitioners drew the attention of the House to the following:-

1. *That, the Environment Cabinet Secretary, via a gazette notice dated 28th Feb, 2017, announced a ban on plastic use, both domestic and commercial use, which ban is scheduled to take effect six months from the date said by the Gazette notice*
2. *That , polythene is one amongst materials found in the environment and that a large portion of these waste materials are not being collected and treated in an environmentally sound manner to ensure disposal and this is a real challenge to the environment*
3. *That, the Global waste management outlook for 2015, a report by the United Nations Environment Programme UNEP and the International Solid Waste Association stated that “inadequate waste Management has become a major public health, economic and environmental problem with 7-10 billion tonnes of urban waste produced each year and 3 billion people worldwide lacking access to controlled waste disposal facilities fuelled by a population growth, urbanisation and rising consumption, the volume of waste are likely to even double in lower income African and Asian cities by 2013”,*
4. *That , the ban imposed by the Cabinet Secretary for Environment does not resolve the problem identified by the experts or create a sustainable approach to addressing the problem.*
5. *That, there are over 176 plastic manufacturing companies in the country which is 3.4% of all the manufacturers combined;*
6. *That, the cost value of the plastic manufacturing sector is in excess of Kenya shilling 88 billion;*
7. *That, the direct employment created by the plastic sector is over 2.89 of the Kenyan employees which is approximately 60,000 personnel nationwide and their annual turnover is over Kenya shilling 100 billion,*
8. *That, the matter in respect of which this petition is made is not pending before any court of law or tribunal*

And the petitioners prayed to the National Assembly to:-

1. *Recommend suspension of the implementation of the Gazette notice since the notice given is too short*
2. *Recommend amendments to the Environment Management and co-ordination Act No.8 of 1999 to ensure inclusion of fiscal incentives such as Green Levy Fund, Tax incentives on capital goods and tax rebates to industries promoting management, and imposition of fines for littering in lawful places among others; and*

3. *Recommend establishment of a waste management levy to be charged on all plastic at source at one percent of value equivalent to the product cost insurance and freight. The fund should be collected by the treasury through the Kenya Revenue Authority and allocated to the Ministry of Environment and National Environment Management Authority*

The right to petition and duty to conserve the environment

The right of Kenyan citizens to petition public authorities and Parliament is a right guaranteed under Articles 37 and Article 119 of the Constitution of Kenya, 2010 and by the *Petition to Parliament (Procedure) Act* 2012 as well as the *Standing Orders* of the National Assembly. The right to petition is an essential citizen participatory tool, as it provides an avenue for citizens to interact with legislators on the issues that concern citizens, and also demonstrates that Parliament is prepared to directly intervene on the issues of concern to citizens in order to promote and protect the rights of the citizens.

The Constitution of Kenya, 2010 under article 69(2) provides that, “every person has a duty to cooperate with State organs and other persons to protect and conserve the environment and ensure ecologically sustainable development and use of natural resources”.

2.0 EVIDENCE

The Committee analyzed the petition committed to it by the House and purposed to respond to the prayers of the petitioners. The Committee invited the member who presented the petition, Hon. John Olago Aluoch, MP, the Cabinet Secretary responsible for Environment and Natural Resources and the Kenya Association of Manufactures. The sole objective of the committee was to reply to the prayers of the petitioners conclusively.

2.0 Issues for determination from the prayers of the petitioners

To respond to the petitioner's prayers the Committee analysed the petition and set to determine whether: -

- (i) The National Assembly should intervene to have suspension of the implementation of the Gazette notice 2356.
- (ii) The Cabinet Secretary followed the due process of law before issuing the Gazette Notice 2356.

2.1 Committee Proceedings

The Committee held deliberative sessions and reviewed documents relating to the prayers of the petitioners with a view to responding to the petitioners. The Minutes of the deliberative sessions as well as the documents and evidences presented to the committee are annexed to the report.

The Committee reviewed documents presented to it by the different parties.

3.0 FINDINGS

3.1 Submissions by Hon. John Olago Aluoch, MP

The Hon. John Olago Aluoch, MP made submissions to the Committee with regard to the petition. He informed the Committee as follows-

1. That, the Environment Cabinet Secretary, via a gazette notice dated 28th Feb, 2017, announced a ban on plastic use, both domestic and commercial use, which ban is scheduled to take effect six months from the date said by the Gazette notice
2. That , polythene is one amongst materials found in the environment and that a large portion of these waste materials are not being collected and treated in an environmentally sound manner to ensure disposal and this is a real challenge to the environment
3. That, the Global waste management outlook for 2015, a report by the United Nations Environment Program UNEP and the International Solid Waste Association stated that “inadequate waste Management has become a major public health, economic and environmental problem with 7-10 billion tonnes of urban waste produced each year and 3 billion people worldwide lacking access to controlled waste disposal facilities fuelled by a population growth, urbanisation and rising consumption, the volume of waste are likely to even double in lower income African and Asian cities by 2013”,
4. That , the ban imposed by the Cabinet Secretary for Environment does not resolve the problem identified by the experts or create a sustainable approach to addressing the problem.
5. That, there are over 176 plastic manufacturing companies in the country which is 3.4% of all the manufacturers combined;
6. That, the cost value of the plastic manufacturing sector is in excess of Kenya shilling 88 billion;
7. That, the direct employments created by the plastic sector is over 2.89% of the Kenyan employees which is approximately 60,000 personnel nationwide and their annual turnover is over Ksh 100 billion.

3.2 submissions by the Cabinet Secretary, Ministry of Environment and Natural Resources

The Cabinet Secretary, Ministry of Environment and Natural Resources appeared before the Committee on 16th May 2017 to respond to the issues raised by the petitioners. She informed the Committee as follows-

- a) That, Part III (section 5) of EMCA CAP 387 empowers the Cabinet Secretary for Environment and Natural Resources to formulate policies and directions in furtherance of the Act. Attempts had been made in the past to control the impacts of plastic bags in the Kenyan environment with minimal results, leading to the current ban. She noted that the ban applied to plastic carrier bags and not industrial packaging bags where the plastic material was in direct contact with the product.

- b) That, the six months' notice was based on the fact that there have been prior engagements with the plastic sector since 2005 when the Government first attempted to ban the use of plastics in the country. Various stakeholders had been involved in the conversation of ban on plastics and had always requested for more time in order to ensure that there was transition from plastics to other ventures.
- c) That, the six (6) months' notice was adequate for the industry to adjust accordingly and that the time was also adequate for the consumers to adjust themselves to the new packaging requirements.
- d) On the Recommendation on amendment to the Environment Management and Co-ordination Act No. 8 of 1999 to ensure inclusion of fiscal incentives such as Green Levy Fund, tax incentives on capital goods and tax rebates to industries promoting environmental management; and imposition of fines for littering in unlawful places among others. The Cabinet Secretary noted that Section 57 of EMCA, Cap 387 already provides for development of economic instruments which are still ongoing. These economic instruments would provide for various tax incentives. She further noted that earlier consultations with the industry agreed on a plastic management levy. However, when the proposal was forwarded to Treasury, the same was converted into excise duty on plastic bags (Excise Duty Act, No. 23 of 2015) at a rate of Kshs. 120 per kg, but this had not been affected since the funds goes to the Consolidated Fund.
- e) That the Ministry through the National environment Management Authority had engaged stakeholders on the issue of plastics in previous meetings as follows-
- i. That a total of 27 meetings were held with the plastic sector since 2006
 - ii. That between May 2006 and Feb 2012, seventeen (17) meetings were held and the discussion generally addressed standards, thickness and plastic management and levies. These meetings were the result of two attempted ban on thickness of 30 microns and then 60 microns.
 - iii. From 2014 to present the Ministry and NEMA engaged the sector on a new approach on stoppage. The Sector on the onset declined to accept the move and attempted to change the theme back to plastic management. The ministry and NEMA further continued to engage. On this approach a total of 10 meetings were held between the ministry, NEMA and the sector
 - iv. In October 2015, NEMA recommended to the Cabinet Secretary to declare a total ban on use of plastic carrier bags which the Cabinet Secretary subsequently gazetted the ban on use, importation and manufacturing of plastic bags.

3.3 Submissions by the Kenya Association of Manufacturers

The petitioners, Kenya Association of Manufacturers appeared before the Committee on 11th May 2017 and submitted as follows-

1. Kenya Association of Manufacturers (KAM) is the leading business membership organization in East Africa that plays a key advocacy role on behalf of manufacturers in Kenya and in the region through her strong linkages with all sectors of the economy. KAM has over 950 members and represents over 40% of Kenya's manufacturing value add industries.
2. KAM is committed to promote a clean environment and has been in the forefront supporting environmental conservation in industrialization. Some of the initiatives the organization has been part of include-
 - a) Energy and water management efficiency
 - b) implementation of Climate change policies and laws
 - c) Consultative meetings between KAM and NEMA in 2003 leading to the development of the 10-point action plan (Appendix 1) on plastics management. This was followed by consultative meetings between Kenya Association of Manufacturers (KAM) and Kenya National Cleaner Production Center (KNCPC) on how to cost effectively implement the 10-point action plan in the following year.
 - d) National Environmental Management Authority (NEMA), Kenya Bureau of Standards (KEBS) and KAM have in place a partnership agreement. The partnership has seen collaborations between the Organizations in seeking a lasting solution to environmental pollution by plastics. The overall aim was to balance the positive benefits of plastics packaging and environmental conservation.
 - e) Manufacturers are engaged in recycling of plastic waste and waste management measures. Kenya has now adopted the most advanced technologies to recycle plastic waste. On average more than 40% of plastic products are recycled from efforts of manufacturers. Other firms recycle 100%.
 - f) Manufacturers continue to invest in producing bio degradable and recycled plastic bags as alternatives to plastic packing. These efforts however require support from government to enhance production.
3. Under Vision 2030 the plastics sector was mentioned as key driver in exploiting opportunities to add value to imports that could then be re-exported, in order to capture the "last step" of value addition. This would ensure the country becomes the provider of choice

for basic manufactured goods in eastern and central Africa especially in key agro-processing industries.

4. The Ministry of Environment and Natural resources imposed a ban on the use; manufacture and importation of all plastic bags vide Gazette Notice No. 2356 dated 28th February 2017. The ban affects the following commercial and household plastic bags: Carrier Bags – Bags constructed with handles, with or without gussets Flat Bags – The specific provisions of the law that the Notice was based on are on Section (1) and Section 86 of the Environmental Management and Co-ordination Act, 1999. Section 3 (1) provides that every person in Kenya is entitled to a clean and healthy environment and had the duty to safeguard and enhance the environment. The Standards and Enforcement Review Committee shall, in consultation with the relevant lead agencies, recommend to the Authority measures necessary to:-

- (i) Identify materials and processes that are dangerous to human health and the environment; issue guidelines and prescribe measures for the management of the materials and processes identified under subsection;

- (ii) Prescribe standards for waste, their classification and analysis, and formulate and advise on standards of disposal methods and means for such wastes; or

- (iii) Issue regulations for the handling, storage, transportation, segregation and destruction of any waste.

5. The Kenya Association of Manufacturers submitted a petition against the gazette notice by the Cabinet Secretary banning the use, manufacture and importation of plastic bags on the following grounds and justifications-

I. Lack of stakeholder engagement and participation in development of the policy directive on the plastic ban

KAM Prayer:

- Propose reversal of the Notice on the ban due to lack of public consultation with relevant stakeholders
- Require the Cabinet Secretary of Environment and Natural Resources to;
 - (a) Produce a report on the claims of conducting public participation process on the ban and subsequent memoranda or views submitted to them with regard to the ban.
 - (b) Current impact analysis/research on the impact of the ban socially and economically and measures in place to ensure transition is managed effectively.

Justification

- The Kenya Association of Manufacturers was not engaged by the relevant environmental agencies on the proposed ban. This is despite that the ban targets and affects manufacturers.
- No specific invitations for consultative engagements were held between KAM and the relevant government agencies on the ban.
- In fact, KAM had been proactively engaging with the Ministry of Environment and Natural Resources as well as the National Environmental Management Authority (NEMA) to adopt budget proposals on plastic waste management
- Stakeholder consultation is a mandatory requirement in policy and legal framework formulation and implementation.

The following are a summary of laws in Kenya that obligate government agencies to conduct public participation.

(a) The Constitution of Kenya, 2010

The Constitution creates a people centered governance system which, inevitably places public participation at the heart of all proposed processes and decision making in Government. In addition, the national values and principles of governance in the country include participation of people.

In particular the following provisions apply;

- (i) **Article 69 (1) (d)** provides that the State shall encourage public participation in the management, protection and conservation of the environment
- (ii) Article 129 (2) states that, "Executive Authority shall be exercised in a manner compatible with the principle of service to the people of Kenya, and for their wellbeing and benefit"
- (iii) Article 153 (4) (b) which requires Cabinet Secretaries to act in accordance with the Constitution.

(b) The Environmental Management and Co-Ordination Act, 1999

- Section 3 (5) (a) provides that the principle of public participation in the development of policies, plans and processes for the management of the environment will be considered to decide any judicial matter by the High Court. This emphasizes the role of public participation.
- Section 3 (5) (b) provides that the cultural and social principle traditionally applied by any community in Kenya for the management of the environment or natural resources in so far as

the same are relevant and are not repugnant to justice and morality or inconsistent with any written law;

(c) The Statutory Instruments Act

- The Act applies to every statutory instrument made directly or indirectly under any Act of Parliament or other written legislation.
- The law requires regulation-making authorities to;
 - a) Undertake appropriate consultation before making statutory instruments;
 - b) Require high standards in the drafting of statutory instruments to promote their legal effectiveness, clarity and intelligibility to anticipated users.

Section 5 (1) of the Act, provides that before a regulation-making authority makes a statutory Instrument, and in particular where the proposed statutory instrument is likely to—

(a) Have a direct, or a substantial indirect effect on business; or

- Section 5 (2) of the Act, provides that in determining whether any consultation that was undertaken is appropriate, the regulation making authority shall have regard to any relevant matter, including the extent to which the consultation—

a) Drew on the knowledge of persons having expertise in fields relevant to the proposed

Statutory instrument; and

a) Ensured that persons likely to be affected by the proposed statutory instrument had adequate opportunity to comment on its proposed content.

II. Loss of Jobs and contribution to Economy

Justification

- The ban has a direct, indirect and substantial effect on business. Despite this, no public consultations were held with stakeholders or an impact analysis developed the relevant Government agencies.
- Current statistics indicate the downward trajectory in the manufacturing sector over the last year in 2016. In addition, the country is suffering from widespread unemployment and there is need to protect employed workers. Therefore it is anticipated that the proposed ban which stands to affect all the sectors of manufacturing will greatly affect the growth and inevitably the economic growth.
- Estimates confirm that there are 176 plastic manufacturing companies all-around Kenya (3.4% of all manufacturers). The value of the plastic sectors investment is over 105 billion Kenya shillings.

- The direct employment created by the plastic sector is over 2.89% of Kenyan Employees (approx. 60,000 employees). Indirect employment and dependents through retailers, wholesalers, recyclers, packers and outlets is over 1.2 million personnel nationwide. Kenya exports and imports polythene materials in and out of the region to countries such as Sudan, Somalia, Congo, South Sudan, Ethiopia and Central Africa
- Kenya is a front runner in industrialization compared to the other countries in the region. Any interference with the plastic sector in terms of a prohibition would restrict the country's competitive edge within the EAC and in the region. The Sector foresees promising developments and great opportunities as a region, such as in the ongoing negotiations on the Free Trade Agreement (FTA) involving three Economic Communities (COMESA, EAC and SADC). The Agreement seeks to foster closer cooperation among the three Regional Economic Communities (RECs), with the ultimate goal of creating a single market encompassing 26 countries with a total GDP estimated at USD 624 billion.

III. KAM Waste Management Proposals In 2016-2017

Justification

- KAM plastic sector developed proposals on waste management made to government agencies in 2015-2016 based on global best practices. The proposals are as follows;
- Introduce the following waste management fiscal policy measures to be implemented by the environmental authorities:
 - a) Removal of existing Excise Duty (120/= Kg on Shopping bags) due to inefficiency to address plastic waste management.
 - b) Establish a fund known as "The Waste Management Board Levy", to be charged on all plastic at source (Point Of Entry) on CIF Value. The Monies collected from the Levy be placed in a specific fund managed as a public private partnership fund by Ministry of Environment, NEMA, private sector and civil society.

IV. Other key considerations

Justification

- (i) The Government Environmental agencies have indicated that they relied on a report carried out by the Kenya Institute of Public Policy and Research and Analysis (KIPPRA) and United Nations Environmental Programme (UNEP). The report was done in 2005 and recommends imposing a minimum thickness on the standard of polythene which has been done; collaborations with key stakeholders in addressing plastic waste management through public private partnerships and imposition of a levy committee which named manufacturers.

- Unfortunately and despite the environment government agencies relying on the report, they have failed to implement the recommendations fully before opting for a total ban.
- (ii) Kenya is proposing a total plastic ban. The country among the first country to implement such a ban on commercial, household and plastic used in production. This will have a negative effect if no proper measures have been put in place.
 - (iii) Worldwide, countries have realized the value of plastics. In fact, recycling of plastic has been the preferred measure to address plastic waste due to production of additional by products, job creation and in cases where plastic technology is used, production of fuel such as diesel. Currently in the country, there are businesses run by youth and non-governmental organizations that rely on plastic
 - (iv) Alternatives to plastic are paper, clothing, canvas, sisal and papyrus bags. The reason for use of plastic and its prevalence is because of its cost effective nature to consumers, sanitation guarantee, low energy use and low carbon footprint on the climate. On the other hand, there are negative effects to alternatives such as paper packing which heavily relies on forest cover to sustain production and sanitation concerns; further for cotton, sisal and other materials, there is need for capacity to be built, allows time for investments be made, and incentives to be given in order to meet capacities of users.
 - (v) The Ministry has not to date provided any clarity on the scope of the ban or its extent. This has left the industry with uncertainties which have a negative effect of investments. Plastic shopping bags and flat bags vary in types, sizes and materials. There exists a plastic material that is degradable and is already in use in the country.
 - (vi) The time period of six months proposed in the ban is clear demonstration that the relevant government agencies did not consult with industries or base their time period on factual data. This is especially due to an existing manufacturing sector which has made investments over years, has existing stocks and employs a high number of Kenyan citizens.

7. The National Assembly considers the prayers in the petition and -

- (i) Declare the Gazette notice as illegal due to lack of consultation and nullify the Gazette.
- (ii) Recommend suspension of the implementation of the Gazette notice based on the lack of public participation and the short timelines proposed. The suspension will provide time for consultation for the country to strategize on sustainable solutions to ensure a clean environment.
- (iii) Recommend amendment to the Environment management and coordination act, 1999 to ensure inclusion of fiscal incentives such as the green levy fund. KAM proposes, tax incentives on capital goods and tax rebates to industries promoting management and imposition of fines for littering in unlawful places among others; and
- (iv) Recommend establishment of a waste management levy to be charged in place of the existing plastic levy, on all plastic raw materials and finished goods of the value

equivalent to the products cost insurance and freight. The funds should be managed through a public private partnership by Government agencies that include, the Ministry of Environment and Natural Resources, National Environmental Management Authority and National Treasury as well as private sector and non-governmental organizations.

4. O COMMITTEE OBSERVATIONS

Based on the evidence from parties and written submissions provided, the Committee observed as follows-

- (i) The Committee noted the efforts made by the government and other stakeholders to tackle the plastic menace in the country to safeguard the constitutional right to clean and healthy environment for everyone. The Committee noted that to achieve this objective, the Government and Kenya Association of Manufacturers entered into a Memorandum of understanding (MOU) to joint implementation plan for the sustainable management of plastic waste. The government also attempted to pursue together with other stakeholders a policy on stoppage of usage of plastics in the country.
- (ii) The Ministry and the National Environment Management Authority held several meetings and discussions that generally addressed standards, thickness and plastic management and levies. From the evidence presented by the ministry there were no specific discussions with Kenya Association of Manufacturers on the subject of ban on use, manufacture and importation of plastics. In instances where the subject was on the agenda for discussion, there was no evidenced adduced by the Ministry to indicate the participation of KAM in such meetings.
- (iii) The Gazette Notice No. 2356 of 2017 was not tabled in Parliament within seven days as required under the Statutory Instruments Act 2013. Sections 6, 7, 8, 11, 12, 13, 17, 18, 19 and 24(1) of the Act regulate the making, scrutiny and publication of statutory instruments.
- (iv) The committee further noted that the said Notice was required to be accompanied by a Regulatory Impact Statement and Certificate signed by the Cabinet Secretary as required under section 6 and 7 of the Act. There was no evidence adduced by the ministry to show that this requirement was complied with.
- (v) In any circumstance, even if, the issuance of the Notice had complied with the relevant provisions of the statutory Instruments Act 2013, the timeline of six months given in the Notice for companies to cease operation was unreasonably short. The committee noted that the companies would require ample time to clear all stocks, dispose- off assets and fulfill contractual obligations to employees and suppliers.
- (vi) Lack of strict implementation of the MOU signed between the government and the Kenya Association of Manufacturers on joint implementation plan for the sustainable management of plastic waste and laxity on the part of National Environment Management authority gave impetus to the mushrooming of illegal

and unregulated manufacturers of less than 20 microns plastic bags in the country. This state of affairs complicated the plastic menace further.

- (vii) The committee noted with sustained effort other alternatives to plastic bags which are environmental friendly can be generated at affordable pricing.
- (viii) The plastic manufacturers continue to pay an excise duty of Kes 120 per kilogram of plastic shopping bags produced. The revenue generated from imposition of this tax is deposited in the consolidated fund.

5.0 COMMITTEE RECOMMENDATIONS

In response to the prayers sought by the petitioners, the Committee recommends -

1. The immediate suspension of Gazette Notice No. 2356 of 2017. This is informed by-
 - I. Unreasonableness of the time frame provided to implement the legal Notice
 - II. Lack of adequate stakeholder consultation which is a mandatory constitutional and legal requirement in policy and legal framework formulation and implementation
 - III. Non-compliance with provisions of the statutory instruments Act, 2013.
2. The prayers No. 2 and 3 of the petition form part of the consultation issues between the government and the stakeholders.
3. The Treasury should ring-fence the revenue generated from the excise duty levied on the plastic bag manufacturers. These monies should be specifically applied to implement projects and programmes related to plastic waste control and management.
4. The government should close down all unlicensed manufacturers of plastic bags operating at the expense of legally recognised ones and take legal action against those found to have flouted the law
5. Part of the levies paid by the plastic manufacturers should be applied to fund research and entrepreneurial initiatives geared towards production of alternatives to plastic bags
6. The National government should enact strategic policy and legal framework to guide the county governments in waste management.

Signed.....



.....Date.....

25th MAY 2017


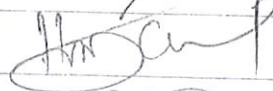
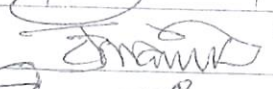
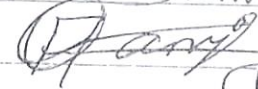
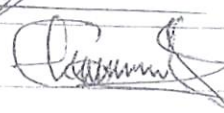

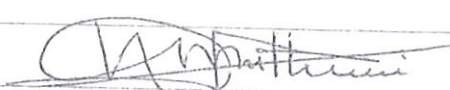

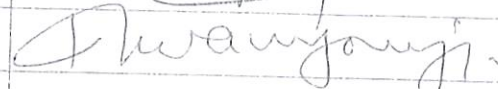

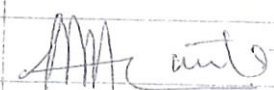
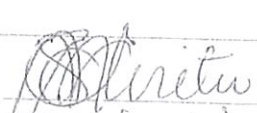
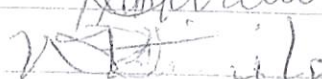
HON. AMINA ABDALLA, CBS, MP


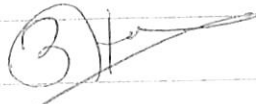
CHAIRPERSON, DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

ANNEXES I. ADOPTION LIST

DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES NATIONAL ASSEMBLY

ADOPTION LIST OF THE REPORT ON THE PETITION ON THE BAN ON THE USE MANUFACTURE AND IMPORTATION OF PLASTIC BAGS.

	NAME	SIGNATURE
1	Hon. Abdalla, Amina, MP, CBS-CHAIRPERSON	
2	Hon. Alexander Kosgey, MP Vice Chairperson	
3	Hon. Dukicha, Hassan Abdi, MP	
4	Hon. Emanikor, Joyce Akai, MP	
5	Hon. Ganya, Francis Chachu, MP	
6	Hon. Geni, Charles Mongare, MP	
7	Hon. Gure, Shukra Hussein, MP	
8	Hon. Ole Kenta, Richard Moitalel, MP	
9	Hon. Mohamed, Diriye Abdullahi, MP	
10	Hon. Murungi, Kathuri, MP	
11	Hon. Ogalo, George Oner, MP	
12	Hon. Sunjeev Kour Birdi, MP	
13	Hon. Tonui, Ronald Kiprotich, MP	
14	Hon. Dr. Wanyonyi, Reginalda N, MP	
15	Hon. Farah, Abdulaziz Ali, MP	
16	Hon. Dr. Barua, Ejidius Njogu, MP	
17	Hon. Irea, Gideon Mwiti, MP	
18	Hon. Muluvi, Marcus Mutua, MP	
19	Hon. Wandayi James Opiyo, MP	
20	Hon. Ndiritu, Samuel Mathenge, MP	
21	Hon. Ottichilo, Wilber Khasilwa, MP	

22	Hon. Rop, Jackson Kipkorir, MP	
23	Hon. Abdinoor, Mohammed Ali, MP	
24	Hon. Ng'ang'a, Alice Wambui, MP	
25	Hon. Peter Kinyua, MP	
26	Hon. Richard Makenga, MP	
27	Hon. Jude Njomo, MP	
28	Hon. Joyce Lay, M.P	
29.	Hon. Zuleikha Hassan, M.P	

ANNEXES II. MINUTES OF COMMITTEE
DELIBERATIONS

MINUTES OF THE 27TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON TUESDAY 16TH MAY, 2017 AT 10.00 AM IN CPA ROOM, PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Alexander Kosgey, M.P. – Vice Chairperson
2. Hon. Dukicha Hassan Abdi, M.P.
3. Hon. Emanikor Joyce, M.P.
4. Hon. Ganya Francis Chachu, M.P.
5. Hon. Geni Charles Mong'are, M.P.
6. Hon. Ole Kenta Richard Moitalel, M.P.
7. Hon. Kathuri Murungi, M.P.
8. Hon. Sunjeev Kaur Birdi, M.P.
9. Hon. Tonui Ronald Kiprotich, M.P.
10. Hon. Dr. Wanyonyi Reginalda N. M.P.
11. Hon. Dr. Barua Ejidius Njogu, M.P.
12. Hon. Muluvi Marcus Mutua, M.P.
13. Hon. Ndiritu Samuel Mathenge, M.P.
14. Hon. Dr. Ottichillo K. Wilber, M.P.
15. Hon. Richard Makenga, M.P.
16. Hon. Zulekha Hassan, M.P.

APOLOGIES

1. Hon. Abdalla Amina, M.P. – Chairperson
2. Hon. Mohamed Diriye Abdullahi, M.P.
3. Hon. Farah, Abdulaziz Ali, M.P.
4. Hon. Wandayi James Opiyo, M.P.
5. Hon. Rop Jackson Kipkorir, M.P.
6. Hon. Jude Njomo, M.P.
7. Hon. Joyce Lay, M.P.
8. Hon. Abdinoor Mohammed Ali, M.P.
9. Hon. Peter Kinyua, M.P.
10. Hon. Gure Shukran Hussein, M.P.
11. Hon. Ogalo George Oner, M.P.
12. Hon. Ng'ang'a Alice Wambui, M.P.
13. Hon. Irea Gideon Mwiti, M.P.

1

FRIENDS OF THE COMMITTEE

Hon. Olago Aluoch, M.P.
Hon. Ken Okoth, M.P.

IN-ATTENDANCE

SECRETARIAT NATIONAL ASSEMBLY

1. Mr. Hassan A. Arale – Clerk Assistant III

2. Mr. James Muguna - Researcher III
3. Mr. Ian Otieno - Audio officer

MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES OFFICIALS:

1. Prof. Judi W. Wakhungu - Cabinet secretary ministry of environment and natural resources
2. Prof. Geoffrey M. Wahungu - Director General NEMA
3. Mr. Robert Orina - NEMA

MIN.NO. DC/ENR/095/2017: PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The Chair then welcomed the members to the meeting.

MIN.NO.DC/ENR/096/2017: MEETING CABINET SECRETARY MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES REGARDING THE PETITION ON THE MANUFACTURE, USE AND IMPORTATION OF PALSTIC BAGS.

The Cabinet secretary responded to the petition on the ban on the use, manufacture and importation of plastic bags as follows,

- a) Recommendation of suspension of the implementation of the Gazette Notice since the notice given is too short.
- b) Part III (section 5) of EMCA CAP 387 empowers the Cabinet Secretary for Environment and Natural Resources to formulate policies and directions in furtherance of the Act. Attempts had been made in the past to control the impacts of plastic bags in the Kenyan environment with minimal results, leading to the current ban. The ban applies to plastic carrier bags and not industrial packaging bags where the plastic material is in direct contact with the product.
- c) The six months' notice is based on the fact that there have been prior engagements with the plastic sector since 2005 when the Government first attempted to ban the use of plastics in the country. Various stakeholders have been involved in the conversation of ban on plastics and have always requested for more time in order to ensure that there is transition from plastics to other ventures. The Ministry through NEMA, is still engaging the various stakeholders on the same.

Therefore, the six (6) months' notice is adequate for the industry to adjust accordingly. Since there will still be need to manufacture industrial plastic bags, there will be no need to decommission the machines. The time is also adequate for the consumers to adjust themselves to the new packaging requirements.

- d) Recommendation on amendment to the Environment Management and Co-ordination Act No. 8 of 1999 to ensure inclusion of fiscal incentives such as Green Levy Fund, tax incentives on capital goods and tax rebates to industries promoting management; and imposition of fines for littering in unlawful places among others.
- e) Section 57 of EMCA, Cap 387 already provides for development of economic instruments which is ongoing. These economic instruments will provide for various tax incentives.

Earlier consultations with the industry agreed on a plastic management levy. However, when the proposal was forwarded to Treasury, the same was converted into excise duty on plastic bags (Excise Duty Act, No. 23 of 2015) at a rate of Kshs. 120 per kg, but this has not been effective since the funds go to the Consolidated Fund.

- f) Recommendation on the establishment of a waste management levy to be charged on all plastics at source (point of entry) at one per cent of the value equivalent to the product's cost insurance and freight. The funds should be collected by the Treasury through the Kenya Revenue Authority and allocated to the Ministry of Environment and the National Environment Management Authority.
- g) While the proposal to establish a waste management levy to be managed by the MENR through NEMA is a noble idea, there is a challenge of administering such funds under the current devolved structure of governance where waste management falls under the mandate of County Governments.

It is worth noting that Plastic waste is one of the waste streams and it would be impractical to impose a tax on the plastic sector to support the management of all the waste streams.

COMMITTEE OBSERVATIONS:

The members observed as follows,

1. There is need to show evidence of public participation and following of procedure through parliament before gazettelement of the ban.
2. There is need to stop and prevent illicit manufacturers of plastic bags.
3. There is need to quantify the benefits of the ban.

COMMITTEE RECOMMENDATIONS:

1. The Committee recommends the suspension of the ban until the consultations are done with the relevant stakeholders at the conclusion of which the cabinet secretary should ⁱⁿ gazette and ensure that the notice complies with the requirement of the statutory instruments act, 2013.
2. Close all illegal manufacturers of plastic bags.

MIN.NO.DC/ENR/097/2017: ADJOURNMENT

There being no other business the meeting was adjourned at 12.35am.

SIGNED.....



Hon. Amina Abdalla, CBS, M.P
(Chairperson)

DATE.....

25/04/2017

MINUTES OF THE 29TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON THURSDAY 25TH MAY, 2017 AT 10.00 AM IN CPA ROOM, PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Abdalla Amina, M.P. – **Chairperson**
2. Hon. Alexander Kosgey, M.P. – Vice Chairperson
3. Hon. Dukicha Hassan Abdi, M.P.
4. Hon. Emanikor Joyce, M.P.
5. Hon. Ganya Francis Chachu, M.P.
6. Hon. Geni Charles Mong'are, M.P.
7. Hon. Ole Kenta Richard Moitalel, M.P.
8. Hon. Kathuri Murungi, M.P.
9. Hon. Sunjeev Kaur Birdi, M.P.
10. Hon. Tonui Ronald Kiprotich, M.P.
11. Hon. Dr. Wanyonyi Reginalda N. M.P.
12. Hon. Farah, Abdulaziz Ali, M.P.
13. Hon. Dr. Barua Ejidius Njogu, M.P.
14. Hon. Muluvi Marcus Mutua, M.P.
15. Hon. Ndiritu Samuel Mathenge, M.P.
16. Hon. Dr. Ottichillo K. Wilber, M.P.
17. Hon. Richard Makenga, M.P.
18. Hon. Zulekha Hassan, M.P.

APOLOGIES

1. Hon. Abdinoor Mohammed Ali, M.P.
2. Hon. Wandayi James Opiyo, M.P.
3. Hon. Rop Jackson Kipkorir, M.P.
4. Hon. Jude Njomo, M.P.
5. Hon. Joyce Lay, M.P.
6. Hon. Peter Kinyua, M.P.
7. Hon. Gure Shukran Hussein, M.P.
8. Hon. Ogalo George Oner, M.P.
9. Hon. Ng'ang'a Alice Wambui, M.P.
10. Hon. Irea Gideon Mwiti, M.P.
11. Hon. Mohamed Diriye Abdullahi, M.P.

FRIEND OF THE COMMITTEE

Hon. Kenneth Okoth, M.P.

IN-ATTENDANCE – SECRETARIAT NATIONAL ASSEMBLY

- | | |
|---------------------------|-----------------------|
| 1. Mr. Hassan A. Arale | - Clerk Assistant III |
| 2. Mr. Ahmed Hassan Odhwa | - Senior researcher |
| 3. Mr. James Muguna | - Researcher III |
| 4. Ms. Lynette Otieno | - Legal Counsel |

MIN.NO. DC/ENR/098/2017: PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The Chair then welcomed the members to the meeting.

MIN.NO.DC/ENR/099/2017: CONFIRMATION OF MINUTES

- (i) The Minutes of the 24TH Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Moitalel Ole Kenta, M.P and seconded by Hon. Dr. Wanyonyi Reginalda , M.P.
- (ii) The Minutes of the 25TH Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Moitalel Ole Kenta, M.P and seconded by Hon. Kathuri Murungi, M.P.
- (iii) The Minutes of the 26TH Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Ganya Francis Chachu, M.P., and seconded by Hon. Ndiritu Samuel Mathenge, M.P.
- (iv) The Minutes of the 27TH Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Dr. Ottichillo K. Wilber, M.P. and seconded by Hon. Kathuri Murungi, M.P.
- (v) The Minutes of the 28TH Sitting were confirmed as a true record of the proceedings after being proposed by Hon. Ganya Francis Chachu, M.P. and seconded by Hon. Ndiritu Samuel Mathenge, M.P.

MIN.NO.DC/ENR/099/2017: ADOPTION OF THE REPORT ON THE PETITION ON THE BAN , ON THE USE , MANUFACTURE AND IMPORTATION OF PLASTIC BAGS:

The Members considered and confirmed the report as the true reflection of the Committee's deliberation after it was proposed and seconded by Hon. Dr. Ganya Francis Chachu, M.P and Hon. Ole Kenta Moitalel, M.P respectively.

MIN.NO.DC/ENR/099/2017: ADOPTION OF THE REPORT ON THE CLOSURE AND RELOCATION OF NGONG DUMPSITE:

The Members considered and confirmed the report as the true reflection of the Committee's deliberation after it was proposed and seconded by Hon. Dr. Wilber Ottichilo, M.P and Hon. Ole Kenta Moitalel, M.P respectively.

MIN.NO.DC/ENR/100/2017: ADJOURNMENT

There being no other business the meeting was adjourned at 12.35am.

SIGNED.....

Hon. Amina Abdalla, CBS, M.P
(Chairperson)

DATE.....

MINUTES OF THE 26TH SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON THURSDAY 11TH MAY, 2017 AT 10.00 AM IN CPA ROOM, PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Abdalla Amina, M.P. – Chairperson
2. Hon. Alexander Kosgey, M.P. – Vice Chairperson
3. Hon. Emanikor Joyce, M.P.
4. Hon. Ganya Francis Chachu, M.P.
5. Hon. Ole Kenta Richard Moitalel, M.P.
6. Hon. Mohamed Diriye Abdullahi, M.P.
7. Hon. Kathuri Murungi, M.P.
8. Hon. Tonui Ronald Kiprotich, M.P.
9. Hon. Dr. Wanyonyi Reginalda N. M.P.
10. Hon. Dr. Barua Ejidius Njogu, M.P.
11. Hon. Ndiritu Samuel Mathenge, M.P.
12. Hon. Rop Jackson Kipkorir, M.P.
13. Hon. Jude Njomo, M.P.

APOLOGIES

1. Hon. Dukicha Hassan Abdi, M.P.
2. Hon. Geni Charles Mong'are, M.P.
3. Hon. Sunjeev Kaur Birdi, M.P.
4. Hon. Farah, Abdulaziz Ali, M.P.
5. Hon. Muluvi Marcus Mutua, M.P.
6. Hon. Wandayi James Opiyo, M.P.
7. Hon. Dr. Ottichillo K. Wilber, M.P.
8. Hon. Joyce Lay, M.P.
9. Hon. Abdinoor Mohammed Ali, M.P.
10. Hon. Peter Kinyua, M.P.
11. Hon. Richard Makenga, M.P.
12. Hon. Gure Shukran Hussein, M.P.
13. Hon. Ogalo George Oner, M.P.
14. Hon. Ng'ang'a Alice Wambui, M.P.
15. Hon. Zulekha Hassan, M.P.
16. Hon. Irea Gideon Mwit, M.P.

FRIEND OF THE COMMITTEE

Hon. Olago Alouch, M.P.

IN-ATTENDANCE – SECRETARIAT NATIONAL ASSEMBLY

1. Mr. Hassan A. Arale – Clerk Assistant III
2. Mr. James Muguna – Researcher III

KENYA ASSOCIATION OF MANUFACTURERS OFFICIALS.

1. Mr. Gautan C. Patel – Polythene industries
2. Mr. Rajesh Shah – Director King plastics
3. Mr. Mahesh Dodhia – Director King Plastic
4. Mr. Bimal Kantaria – KAM director
5. Mr. Samuel Matonda – KAM Secretariat
6. Mr. Juma Robert – KAM Secretariat
7. Mr. Manosh Shah – KAM Industrial area chapter chair

8.Mr. Mayur Munji	-	Laneeb plastics
9.Mr. Sanjau shah	-	Director polystar industries ltd
10. Ms. Sally M.Kahiu	-	KAM secretariat
11. Mr. Peter Burugu	-	Director World Plastic CO. LTD
12. Ms. Miriam Bomet	-	KAM secretariat

MIN.NO. DC/ENR/091/2017: PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The Chair then welcomed the members to the meeting.

MIN.NO.DC/ENR/092/2017: MEETING KENYA ASSOCIATION OF MANUFACTURERS REGARDING THE PETITION ON THE MANUFACTURE,IMPORTATION OF PALSTIC BAGS.

The association presented as follows that,

Kenya Association of Manufacturers (KAM) is the leading business membership organization in East Africa that plays a key advocacy role on behalf of manufacturers in Kenya and in the region through her strong linkages with all sectors of the economy. KAM has over 950 members and represents over 40% of Kenya's manufacturing value add industries.

KAM efforts towards environmental management and conservation

2. KAM is committed to promote a clean environment and has been in the forefront supporting environmental conservation in industrialization. Some of the initiatives the organization has been part of are as follows;

- Energy and water management efficiency
- KAM has been a key partner in development and implementation of Climate change policies and laws.
- Consultative meetings between KAM and NEMA in 2003 lead to the development of the 10-point action plan (Appendix 1) on plastics management. This was followed by consultative meetings between KAM and KNCPC on how to cost effectively implement the 10-point action plan in the following year.
- National Environmental Management Authority (NEMA), Kenya Bureau of Standards (KEBS) and KAM have in place a partnership agreement. The partnership has seen collaborations between the organizations in seeking a lasting solution to environmental pollution by plastics. The overall aim was to balance the positive benefits of plastics packaging and environmental conservation.
- Manufacturers are engaged in recycling of plastic waste and waste management measures. Kenya now has now adopted the most advance technologies to recycle plastic waste. On average more than 40% of plastic products are recycled from efforts of manufacturers. Other firms recycle 100%.
- Manufacturers continue to invest in producing bio degradable and recycled plastic bags as alternatives to plastic packing. These efforts however require support from government to enhance production.

Role of Plastic Sector in Kenya Vision 2030

3. Under Vision 2030 the plastics sector is mentioned as key driver in exploiting opportunities to add value to imports that could then be re-exported, in order to capture the "last step" of value addition.

This is to ensure the country becomes the provider of choice for basic manufactured goods in eastern and central Africa especially in key agro-processing industries.

Legal basis of the Ban - The Environmental Management and Co-Ordination Act, 1999

- The Ministry of Environment and Natural resources imposed a ban on the use, manufacture and importations of all plastic bags vide Gazette Notice No. 2356 dated 28th February 2017.
- The ban affects the following commercial and household plastic bags: Carrier Bags – Bags constructed with handles, with or without gussets. Flat Bags – Bags constructed without handles, and with or without gussets.
- The specific provisions of the law that the Notice is based on are on Section (1) and Section 86 of the Environmental Management and Co-Ordination Act, 1999.
- Section 3 (1) provides that every person in Kenya is entitled to a clean and healthy environment and had the duty to safeguard and enhance the environment.
- Section 86 The Standards and Enforcement Review Committee shall, in consultation with the relevant lead agencies, recommend to the Authority measures necessary to:-
 - (1) Identify materials and processes that are dangerous to human health and the environment; issue guidelines and prescribe measures for the management of the materials and processes identified under subsection (1);
 - (2) Prescribe standards for waste, their classification and analysis, and formulate and advise on standards of disposal methods and means for such wastes; or
 - (3) Issue regulations for the handling, storage, transportation, segregation and destruction of any waste.

B. KAM GROUNDS AND JUSTIFICATION FOR THE PETITION

	Grounds for KAM Petition	Justification
1.	<p>Lack of stakeholder engagement and participation in development of the policy directive on the plastic ban</p> <p>KAM Prayer:</p> <p>1. Propose reversal of the Notice on the Ban due to lack of public consultation with relevant stakeholders.</p> <p>2. Require the Cabinet Secretary of Environment and Natural Resources to;</p> <p>(i) Produce a report on the claims of conducting public participation process on the ban and subsequent memoranda or views submitted to them with regard to the ban.</p> <p>(ii) Current impact analysis/research on the impact of the ban socially and economically and measures in place to ensure transition is managed effectively.</p>	<ul style="list-style-type: none"> ➤ ➤ The Kenya Association of Manufacturers was not engaged by the relevant environmental agencies on the proposed ban. This is despite that the ban targets and affects manufacturers. ➤ No specific invitation for consultative engagements were held between KAM and the relevant government agencies on the ban. ➤ In fact, KAM had been proactively engaging with the Ministry of Environment and Natural Resources as well as the National Environmental Management Authority (NEMA) to adopt budget proposals on plastic waste management. Enclosed are KAM letters confirming the engagements and discussions marked as Annex 2. ➤ Stakeholder consultation is a mandatory requirement in policy and legal framework formulation and implementation. ➤ The following are a summary of laws in Kenya that obligate government agencies to conduct public participation. <ul style="list-style-type: none"> ○ The Constitution of Kenya, 2010 ➤ The Constitution creates a people centered governance system which, inevitably places public participation at the heart of all proposed processes and decision making in Government. In addition, the national values and principles of governance in the country include participation of people. ➤ In particular the following provisions apply; ➤ □ Article 69 (1) (d) provides that The State shall encourage public participation in the management, protection and conservation of the environment. ➤ □ Article 129 (1) and (2) Executive authority derives from the people of Kenya and shall be exercised in accordance with this Constitution. The Executive authority shall be exercised in a manner compatible with the principle of service to the people of Kenya, and for their wellbeing and benefit. ➤ □ Article 153 (4) (b) which requires Cabinet Secretaries to act in accordance with the Constitution. <ul style="list-style-type: none"> ○ The Environmental Management and Co-Ordination Act, 1999 ➤ Section 3 (5) (a) provides that the principle of public participation in the development of

		<p>policies, plans and processes for the management of the environment will be considered to decide any judicial matter by the High Court. This emphasises the role of public participation.</p> <ul style="list-style-type: none"> ➤ Section 3 (5) (b) provides that the cultural and social principle traditionally applied by any community in Kenya for the management of the environment or natural resources in so far as the same are relevant and are not repugnant to justice and morality or inconsistent with any written law; <ul style="list-style-type: none"> ○ The Statutory Instruments Act ➤ The Act applies to every statutory instrument made directly or indirectly under any Act of Parliament or other written legislation. ➤ The law requires regulation-making authorities to; <ul style="list-style-type: none"> ➤ Undertake appropriate consultation before making statutory instruments; ➤ Requiring high standards in the drafting of statutory instruments to promote their legal effectiveness, clarity and intelligibility to anticipated users. ➤ Section 5 (1) of the Act, before a regulation-making authority makes a statutory instrument, and in particular where the proposed statutory instrument is likely to— <ul style="list-style-type: none"> ➤ have a direct, or a substantial indirect effect on business; or ➤ Section 5 (2) of the Act, provides that in determining whether any consultation that was undertaken is appropriate, the regulation making authority shall have regard to any relevant matter, including the extent to which the consultation— <ul style="list-style-type: none"> ➤ Drew on the knowledge of persons having expertise in fields relevant to the proposed ➤ statutory instrument; and ➤ Ensured that persons likely to be affected by the proposed statutory instrument had ➤ Adequate opportunity to comment on its proposed content.
2.	Loss of jobs and contribution to Economy	<ul style="list-style-type: none"> ➤ ➤ The ban has a direct, indirect and substantial effect on business. Despite this, no public consultations were held with stakeholders or an impact analysis developed the relevant Government agencies. ➤ Current statistics indicate the downward trajectory in the manufacturing sector over

<p>the last year in 2016. In addition, the country is suffering from widespread unemployment and there is need to protect employed workers. Therefore it is anticipated that the proposed ban which stands to affect all the sectors of manufacturing will greatly affect the growth and inevitably the economic growth.</p> <p>➤ Estimates confirm that there are 176 plastic manufacturing companies all around Kenya (3.4% of all manufacturers). The value of the plastic sectors investment is over 105 billion Kenya shillings.</p> <p>➤ The direct employment created by the plastic sector is over 2.89% Kenyan employees (approx. 60,000 employees). Indirect employment and dependents through retailers, wholesalers, recyclers, packers and outlets is over 1.2 million personnel nationwide.</p> <p>➤ The annual turnover is over 100 billion Kenya shillings. The country stands to lose this contribution to the economy and yet proper strategies can ensure that this is maintained and solutions to ensure a clean environment is realised.</p> <p>➤ Kenya exports and imports polythene materials in and out the region to countries such as Sudan, Somalia, Congo, South Sudan, Ethiopia and Central Africa.</p> <p>➤ Kenya is a front runner in industrialization compared to the other countries in the Region. Any interference with the plastic sector in terms of a prohibition would restrict the country's competitive edge within the EAC and in the region. The sector foresees promising developments and great opportunities as a region, such as in the ongoing negotiations on the Free Trade Agreement (FTA) involving three Economic Communities (COMESA, EAC and SADC). The Agreement seeks to foster closer cooperation among the three Regional Economic Communities (RECs), with the ultimate goal of creating a single market encompassing 26 countries with a total GDP estimated at USD 624 billion.</p>	<p>KAM Waste Management Proposals in 2016-2017</p>	<p>3.</p>
<p>the last year in 2016. In addition, the country is suffering from widespread unemployment and there is need to protect employed workers. Therefore it is anticipated that the proposed ban which stands to affect all the sectors of manufacturing will greatly affect the growth and inevitably the economic growth.</p> <p>➤ Estimates confirm that there are 176 plastic manufacturing companies all around Kenya (3.4% of all manufacturers). The value of the plastic sectors investment is over 105 billion Kenya shillings.</p> <p>➤ The direct employment created by the plastic sector is over 2.89% Kenyan employees (approx. 60,000 employees). Indirect employment and dependents through retailers, wholesalers, recyclers, packers and outlets is over 1.2 million personnel nationwide.</p> <p>➤ The annual turnover is over 100 billion Kenya shillings. The country stands to lose this contribution to the economy and yet proper strategies can ensure that this is maintained and solutions to ensure a clean environment is realised.</p> <p>➤ Kenya exports and imports polythene materials in and out the region to countries such as Sudan, Somalia, Congo, South Sudan, Ethiopia and Central Africa.</p> <p>➤ Kenya is a front runner in industrialization compared to the other countries in the Region. Any interference with the plastic sector in terms of a prohibition would restrict the country's competitive edge within the EAC and in the region. The sector foresees promising developments and great opportunities as a region, such as in the ongoing negotiations on the Free Trade Agreement (FTA) involving three Economic Communities (COMESA, EAC and SADC). The Agreement seeks to foster closer cooperation among the three Regional Economic Communities (RECs), with the ultimate goal of creating a single market encompassing 26 countries with a total GDP estimated at USD 624 billion.</p>	<p>KAM plastic sector developed proposals on waste management made to government agencies in 2015-2016 based on global best practices. The proposals are as follows:</p> <p>➤ Introduce the following waste management fiscal policy measures to be implemented by the environmental authorities:</p>	<p>KAM Waste Management Proposals in 2016-2017</p>

		<ul style="list-style-type: none"> ➤ <input type="checkbox"/> Removal of existing Excise Duty (120/= Kg on Shopping bags) due to inefficiency to address plastic waste management. ➤ <input type="checkbox"/> Establish a fund known as “The Waste Management Board Levy”, to be charged on all plastic at source (Point Of Entry) on CIF Value. The Monies collected from the Levy be placed in a specific fund managed as a public private partnership fund by Ministry of Environment, NEMA, private sector and civil society. ➤ Such measures proposed by KAM have been adopted and implemented globally and the success in addressing plastic waste has been evidenced. ➤ In Kenya, such a fund and public private partnership has been adopted. An example is under the Fisheries Management and Development Act 2016. The Act has established the Fisheries Research and Development Fund as well as the Fish Levy Trust Fund.
4.	Other key considerations	<p>The Government Environmental agencies have been indicated that they relied on a report carried out by the Kenya Institute of Public Policy and Research and Analysis (KIPPRA) and United Nations Environmental Programme (UNEP). The report was carried out done in 2005 and recommend imposing a minimum thickness on the standard of polythene which has been done; collaborations with key stakeholders in addressing plastic waste management through public private partnerships and imposition of a levy committee which named manufacturers. Unfortunately and despite the environment government agencies relying on the report, they have failed to implement the recommendations fully before opting for a total ban. Enclosed is an excerpt of the Report marked as Annex 3 known as the “selection, design and implementation of economic instruments in the solid waste management sector in Kenya; the case of plastic bags”.</p> <p>2. Kenya is proposing a total plastic ban. The country among the first country to implement such a ban on commercial, household and plastic used in production. This will have a negative effect if no proper measures have been put in place. A country analysis is annexed to this document as Annex 4 showing the extent of policy and legislative decisions on plastic in select relevant countries.</p> <p>3. Worldwide countries have realised the value of plastics. In fact, recycling of plastic has been the preferred measure to address plastic waste due to production of additional by products, job creation and in cases where plastic technology is used,</p>

		<p>production of fuel such as diesel. Currently in the country, there are businesses run by youth and non-governmental organisations that rely on plastics. Enclosed and marked Annex 5 is a list of organisations who have written to KAM requesting their support to ensure that they continue to do their work.</p> <p>4. Alternatives to plastic are paper, clothing, canvas, sisal and papyrus bags. The reason for use of plastic and its prevalence is because of its cost effective nature to consumers, sanitation guarantee, low energy use and low carbon footprint on the climate.</p> <p>On the other hand, there are negative effects to alternatives such as paper packing which heavily relies on forest cover to sustain production and sanitation concerns; further for cotton, sisal and other materials, there is need for capacity to be built, allows time for investments be made, and incentives to be given in order to meet capacities of users.</p> <p>5. The ban has not to date provided any clarity on the scope of the ban or its extent. This has left the industry with uncertainties which have a negative effect of investments. Plastic shopping bags and flat bags vary in types, sizes and materials. There exists plastic materials that are degradable and are already in use in the country.</p> <p>6. The time period of six months proposed in the ban is clear demonstration that the relevant government agencies did not consult with industries or base their time period on factual data. This is especially due to an existing manufacturing sector which has made investments over years, has existing stocks and employs a high number of Kenyan citizens.</p>
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KAM PRAYERS TO THE COMMITTEE

Our prayers to this Committee are as follows;

1. Declare the Gazette notice as illegal due to lack of consultation and nullify the Gazette.
2. Recommend suspension of the implementation of the Gazette notice based on the lack of public participation and the short timelines propped. The suspension will provide time for consultation for the country to strategize on sustainable solutions to ensure a clean environment.
3. Recommend amendment to the Environment management and coordination act, 199 to ensure inclusion of fiscal incentives such as the green levy fund KAM proposes, tax incentives on capital goods and tax rebates to industries promoting management and imposition of fines for littering in unlawful places among others; and
4. Recommend establishment of a waste management levy to be charged in place of the existing plastic levy, on all plastic raw materials and finished goods of the value equivalent to the products cost insurance and freight. The funds should be managed through a public private partnership by Government agencies who include, the Ministry of Environment and Natural Resources, National Environmental Management Authority and National Treasury as well as private sector and non-governmental organizations.

COMMITTEE OBSERVATIONS:

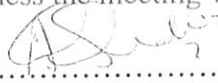
1. There is need for enforcing polluter pays principle in the management and conservation of the environment.
2. There is need for Kenya association of manufacturers to give clear figures on the employer figures to be affected and how much revenue KAM is contributing to the economy.
3. There is need to control and prevent illicit manufacturers of plastic bags to avoid blaming the genuine manufacturers.
4. It is a must for public participation to take place before any gazette notice is put in place and forwarded to parliament in line with the statute law.

MIN.NO.DC/ENR/093/2017: ADOPTION OF THE REPORT ON THE PRE PUBLICATION SCRUTINY OF THE ENVIRONMENTAL MANAGEMENT AND COORDINATION (AMENDMENT) BILL,2016

The Members considered and confirmed the report as the true reflection of the Committee's deliberation after it was proposed and seconded by Hon. Dr. Wilber Ottichilo and Hon. Ole Kenta Moitalel respectively.

MIN.NO.DC/ENR/094/2017: ADJOURNMENT

There being no other business the meeting was adjourned at 12.35am.

SIGNED.....


Hon. Amina Abdala, CBS, M.P
(Chairperson)

DATE.....
28/5/2017

MINUTES OF THE 23rd SITTING OF THE DEPARTMENTAL COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES, HELD ON THURSDAY 6TH APRIL, 2017 AT 10.00 AM IN CPA ROOM, PARLIAMENT BUILDINGS.

PRESENT

1. Hon. Abdalla Amina, M.P. – Chairperson
2. Hon. Ganya Francis Chachu, M.P
3. Hon. Ole Kenta Richard Moitalel, M.P.
4. Hon. Mohamed Diriye Abdullahi, M.P.
5. Hon. Kathuri Murungi, M.P.
6. Hon. Sunjeev Kaur Birdi, M.P.
7. Hon. Dr. Wanyonyi Reginalda N. M.P.
8. Hon. Farah, Abdulaziz Ali, M.P.
9. Hon. Dr. Barua Ejidius Njogu, M.P.
10. Hon. Muluvi Marcus Mutua, M.P.
11. Hon. Joyce Lay, M.P.

APOLOGIES

1. Hon. Alexander Kosgey, M.P. – Vice Chairperson
2. Hon. Abdinoor Mohammed Ali, M.P.
3. Hon. Dukicha Hassan Abdi, M.P.
4. Hon. Ndiritu Samuel Mathenge, M.P
5. Hon. Geni Charles Mong'are, M.P.
6. Hon. Peter Kinyua, M.P.
7. Hon. Richard Makenga, M.P.
8. Hon. Gure Shukran Hussein, M.P.
9. Hon. Ogalo George Oner, M.P.
10. Hon. Ng'ang'a Alice Wambui, M.P.
11. Hon. Zulekha Hassan, M.P
12. Hon. Emanikor Joyce, M.P.
13. Hon. Irea Gideon Mwiti, M.P.
14. Hon. Jude Njomo, M.P.
15. Hon. Tonui Ronald Kiprotich, M.P.
16. Hon. Wandayi James Opiyo, M.P
17. Hon. Dr. Ottichillo K. Wilber, M.P
18. Hon. Rop Jackson Kipkorir, M.P.

FRIEND OF THE COMMITTEE

Hon. Olago Aluoch, M.P- Presented the petition

IN-ATTENDANCE – SECRETARIAT NATIONAL ASSEMBLY

- | | |
|------------------------|-----------------------|
| 1. Mr. Hassan A. Arale | - Clerk Assistant III |
| 2. Mr. James Muguna | - Researcher III |

MIN.NO. DC/ENR/082/2017: PRELIMINARIES

The meeting was called to order at 10.30 am after which prayers were said. The Chair then welcomed the members to the meeting.

MIN.NO.DC/ENR/083/2017: MEETING HON.ALAGO ALUOCH ON THE PETITION ON THE BAN,USE AND MANUFACTURE AND IMPORTATION OF PLASTIC BAGS.

He presented a petition on behalf of the Kenya Association of Manufacturers and drew the attention of the house to the following;

- I. That, the environment cabinet secretary, via a Gazette Notice dated 28th February 2017, announced a ban on plastic bags use, both domestic and commercial use, which ban is scheduled to take effect six months from the date of the said Gazette Notice.
- II. That, polythene is one amongst materials found in the environment and that a large portion of these waste materials are not being collected and treated in an environmentally sound manner to ensure disposal and this is a real challenge to the environment ;
- III. That, the global waste management outlook for 2015, a report by the United Nations Environment Program (UNEP) and the international solid waste Association (SWA) stated that *“inadequate waste management has become a major public health, economic and environmental problem, with 7-10 billion tonnes of urban waste produced each year and 3 billion people worldwide lacking access to controlled waste disposal facilities fuelled by a population growth, urbanization and arising consumption, the volumes of waste are likely even double in lower income African and Asian cities by 2013”*
- IV. That, the ban imposed by the cabinet secretary for environment does not resolve the problems identified by experts or create a sustainable approach to addressing the problem.
- V. That there are over 176 plastic manufacturing Companies in the country which is 3.4% of all the manufacturers combined;
- VI. That, the cost value of the plastic manufacturing sector is in excess of Kenya Shillings 88 Billion;
- VII. That the direct employment created by the plastic sector is over 2.89 of the Kenyan employers which is approximately 60,000 while the indirect employment through retailers , wholesalers and outlets is well over 600,000 personnel nationwide and their annual turnover is over Kenya Shillings 100 Billion;
- VIII. That, any interference with the sector in terms of prohibition would restrict the country’s competitive edge with EAC and in the region ; and
- IX. That, the issue in respect of this petition is made are not pending before any court of law, constitutional or legal body.

Therefore the humble petitioners pray that the National Assembly, through the departmental committee on Environment and natural resources;

- a) Recommends suspensions of the implementations of the Gazette Notice since the notice given is too short;

- b) Recommend amendment to the Environment Management and Co-ordination Act No.8 of 1999 to ensure inclusion of fiscal incentives such as Green Levy Fund, Tax incentives on capital goods and tax rebates to industries promoting management; and imposition of fines for littering in unlawful places among others; and
 - c) Recommend establishment of waste management levy to be charged on all plastic at source (point of entry) at one percent of the value equivalent to the product's cost insurance and freight. The funds should be collected by the treasury through the Kenya Revenue Authority and allocated to the Ministry of Environment and the National Environment Management Authority.
- The petitioners will ever pray.

COMMITTEE OBSERVATIONS

The Committee observed the following; that,

- 1. There is need to know what lead to the ban when there was engagement with the Kenya Association of Manufacturers and the manufactures needed to put forward their suggestion before the ban.
- 2. There is need to confirm if there is any delegated legislation with delegated legislation Committee of the national assembly
- 3. What time frame of suspension of the ban is the petitioner suggesting?
- 4. What suggestion is the petitioner putting forward for ring-fencing the mitigation funds meant for this purpose?

PETITIONER'S RESPONSE:

He responded as follows, that,

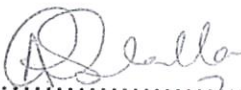
- 1. Longer and more adequate time that is agreed upon needs to be given in order to create alternative jobs.
- 2. There was no enough time to conclude the negotiation with the treasury.

RESOLUTIONS:

- 1. The funds meant for mitigation measures should be ring-fenced.
- 2. The secretariat should formally write to delegated legislation to know if any delegated legislation on waste management was referred to the committee.

MIN.NO.DC/ENR/084/2017: ADJOURNMENT

There being no other business the meeting was adjourned at 12.35am.

SIGNED..... 

Hon. Amina Abdalla, CBS, M.P
(Chairperson)

DATE 9/5/2017

ANNEXES III. PETITION BY KENYA
ASSOCIATION OF MANUFACTURERS

649

THE NATIONAL ASSEMBLY
RECEIVED
30 MAR 2017
DIRECTOR COMMITTEE SERVICES
Time:.....

Directorate of Legislative & Procedural
Services National Assembly

MEMO

TO: DIRECTOR, COMMITTEE SERVICES
FROM: PRINCIPAL CLERK ASSISTANT
DATE: MARCH 29, 2017
SUBJECT: PUBLIC PETITIONS

The following Petitions were presented to the House, today, Wednesday, March 29, 2017: -

- (iii) Petition presented by the Hon. Elijah Memusi, MP on waiver of debt owed to the Agricultural Finance Corporation; and *DC - AGRICULTURE*
- (iv) Petition presented by the Hon. John Olago Aluoch, MP on the ban on the use, manufacture and importation of plastic bags. *DC - ENVIRONMENT*

Enclosed, please find the Petitions for your action.

Lucy Wanjohi
(Encls.)

*1. MAJUT
2. CHEBET ✓

pls deal
FA 30/3*

Copy to: -

1. Clerk of the National Assembly
2. Director of Legislative and Procedural Services
3. Chairperson, Departmental Committee on Environment & Natural Resources
4. Chairperson, Departmental Committee on Agriculture Livestock & Cooperatives



THE NATIONAL ASSEMBLY
ELEVENTH PARLIAMENT
FIFTH SESSION

Approved
BAT
SNA
29/3/17

PUBLIC PETITION
BY THE KENYA ASSOCIATION OF MANUFACTURERS ON THE BAN BY
ON THE USE, MANUFACTURE AND IMPORTATION OF PLASTIC BAGS

I, on UNDERSIGNED on behalf of members of the Kenya Association of Manufacturers,

DRAW the attention of the House to the following;

- i) THAT, the Environment Cabinet Secretary, via a Gazette Notice dated 28th February 2017, announced a ban on plastic bags use, both domestic and commercial use, which ban is scheduled to take effect six months from the date of the said Gazette Notice;
- ii) THAT, polythene is one amongst materials found in the environment and that a large portion of these waste materials are not being collected and treated in an environmentally sound manner to ensure disposal and this is a real challenge to the environment;
- iii) THAT, the Global waste Management Outlook for 2015, a report by the United Nations Environment Program (UNEP) and the International Solid Waste Association (SWA) stated that *"inadequate waste management has become a major public health, economic and environmental problem, with 7 – 10 billion tonnes of urban waste produced each year and 3 billion people worldwide lacking access to controlled waste disposal facilities fueled by a population growth, urbanization and rising consumption, the volumes of waste are likely to even double in lower income African and Asian cities by 2013"*;
- iv) THAT, the ban imposed by the Cabinet Secretary for Environment does not resolve the problems identified by experts or create a sustainable approach to addressing the problem.
- v) THAT, there are over 176 plastic manufacturing companies in the country which is 3.4% of all the manufacturers combined;
- vi) THAT, the cost value of the plastic manufacturing sector is in excess of Kenya Shillings 88 Billion;

PUBLIC PETITION
BY THE KENYA ASSOCIATION OF MANUFACTURERS ON THE BAN BY
ON THE USE, MANUFACTURE AND IMPORTATION OF PLASTIC BAGS

- vii) THAT, the direct employment created by the plastic sector is over 2.89 of the Kenyan employees which is approximately 60,000 while the indirect employment through retailers, wholesalers and outlets is well over 600,000 personnel nationwide and their annual turnover is over Kenya Shillings 100 Billion;
- viii) THAT, any interference with the sector in terms of a prohibition would restrict the country's competitive edge with EAC and in the region; and
- ix) THAT, the issues in respect of which this Petition is made are not pending before any court of law, constitutional or legal body.

THEREFORE your humble petitioners PRAY that the National Assembly, through the Departmental Committee on Environment and Natural Resources:

- a) Recommends suspension of the implementation of the Gazette Notice since the notice given is too short;
- b) Recommend amendment to the Environment Management and Co-ordination Act No. 8 of 1999 to ensure inclusion of fiscal incentives such as Green Levy Fund, Tax incentives on capital goods and tax rebates to industries promoting management; and imposition of fines for littering in unlawful places among others; and
- c) Recommend establishment of a waste management levy to be charged on all plastic at source (point of entry) at one per cent of the value equivalent to the product's cost insurance and freight. The funds should be collected by the Treasury through the Kenya Revenue Authority and allocated to the Ministry of Environment and the National Environment Management Authority.

And your PETITIONERS will ever pray.

PRESENTED BY,



HON. JOHN OLAGO ALUOCH, MP
MEMBER FOR KISUMU WEST CONSTITUENCY

ANNEXES IV. SUBMISSIONS BY KENYA
ASSOCIATION OF MANUFACTURERS
SUBMISSIONS

NDUNE (K) LTD ORIGINAL COPY

Kenya Marine Center a member
of the Ndune group.

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sales@kenyamarinecenter.com
www.kenyamarinecenter.com



Tel.: 00 254 724 827 778
Tel.: 00 254 720 10 33 11
P.O.Box 82691
8100 Mombasa
Kenya

Member of OFI
Ornamental Fish
International



Date: April, 7th, 2017

TO,

KENYA ASSOCIATION OF MANUFACTURERS

SUBJECT

PACKAGING REQUIREMENTS/REGULATIONS IN EXPORT OF LIVE
ORNAMENTAL FISH

Kenya Marine Center is a live Ornamental aquarium marine fish exporter based in the coastal area of Mombasa since 2005, and are currently located in Kikambala a few meters off Mtwapa / Malindi Road.

KMC has steadily and progressively worked to position itself as one of the largest suppliers in East Africa and is well reputed for the quality of Tropical Marine Fish and inverts we supply.

This quality is achieved in 2 ways:

- Healthy Fish
- Quality packaging

Our packing standards are guided by IATA Live Animals Regulations (<http://www.iata.org/whatwedo/cargo/live-animals/documents/lar-40-addendum1.pdf>) as cited below:

Most of the aquatic species being shipped are small tropical fish. These are packed in plastic bags containing a minimum of 1/4 water and the remaining space with oxygen 2/3 oxygen and 1/3 water in which the fish must be fully immersed and able to swim freely. Variations to these ratios may be allowed if acceptable to the transporting airline(s). This bag is then placed within an outer container. The outer container must be rigid and not be able to buckle or bend. It must have all the sides and the top and bottom reinforced so that it can withstand damage from other freight falling on it. It must be closed in such a manner that it cannot be accidentally opened.

Worldwide, Ornamental aquarium fish are packed in a polythene bag (thickness not less than 0.1mm) filled to 1/3 of its volume. The plastics to be chosen for the live fish transport should satisfy the needs like,

- High oxygen retain ability.
- Tensile strength
- Tearing strength

The plastic bags should be filled with three parts oxygen to one part water. After filling with water and fish the upper part of the plastic bag is compressed to drive out the air and then inflated with pure oxygen and then the aerating tube is withdrawn through the constricting neck. The top of the bag is then bent and tied with two or three rubber bands and then placed in boxes, which must be covered in a clear plastic bag to prevent any damage.

Additionally, all fish exports are subject to screening and veterinary checks as during the clearing process. The fish has to be visible by the veterinary officer and hence has to be packed in a transparent plastic bag.

PREPARATIONS BEFORE DISPATCH

Bag the fish, and fill the bag half full of water.

1. Triple, or quadruple bag the fish (put the bags inside each other).
2. Tightly rubber band the bags closed. Attach a clip just in case also.

Box the fish.

1. Place the bagged fish in the Styrofoam box. This will help insulate the water inside, and keep it in the right temperature. Line the inside of the Styrofoam box with newspaper, so the bag doesn't shake too much.
2. Use heat/cold packs wrapped in newspaper depending on the climate and type of fish. For example, if they're tropical fish add heat packs to the box.
3. Tightly seal the Styrofoam box shut, and place into a cardboard box. Tightly seal the cardboard box too.

From the above explanation, it should be noted that the whole business, cannot do without plastic bags. And banning plastics bags in KENYA means that, many industries will come to closure hence affecting economy wise and as well like 4,400,000 people will lose jobs both in and out workers.

So, lifting up the ban of plastic bags. will be sustain as many families who are supported by plastic bag industry.

For any further information please contact us

Management:

Thanks in advance.

Yours Faithfully

NDUNE (K) LIMITED





ORNAMENTAL AQUATIC TRADE ASSOCIATION LTD
"The Voice of the Ornamental Fish Industry"
1st Floor Office Suite, Wessex House
United Kingdom BA13 3JN
T: +44 (0)870 0434013 F: +44 (0)1373 301236
info@ornamentalfish.org www.ornamentalfish.org

CODE FOR THE TRANSPORT OF ORNAMENTAL FISH

GENERAL PRINCIPLES

Aquatic organisms must be transported in such containers, under such conditions, in particular with regard to space, temperature, and with such supply of water and oxygen appropriate for the species concerned.

No fish shall be transported unless it is fit for the intended journey.

Fish must be transported to their destination as quickly as practicably possible.

Transport of aquatic organisms should be undertaken in a manner that does not cause unnecessary stress or compromise their disease status.

RELEVANT LEGISLATION AND GUIDANCE

All concerned with the transport of should be aware of the relevant EC (Regulation 1/2005 - http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2005/l_003/l_00320050105en00010044.pdf) and national legislation. This may change from time to time. For the time being this legislation covers vertebrate animals only.

Details of how this legislation will be applied in the UK can be found on the websites of each administration that for England and Wales can be found on the DEFRA web site at :

<http://www.defra.gov.uk/animalh/welfare/farmed/transport/eu-transportreg.htm>

Provisions of the Fish Health and Veterinary Checks Directives will apply as normal to imports from third countries as will the Wildlife Trade Regulations (EU CITES).

Those importing ornamental fish or using air transport within the EU should acquaint themselves with the latest International Air Transport Association – Live Animal Regulations (see <http://www.iata.org/ps/publications/9105.htm>). The LARs cover all animals.

In the UK general provisions of the Animal Welfare Legislation (in England and Wales the Animal Welfare Act, 2006, in Scotland the Animal Health and Welfare Act 2006) a eg duty of care, will apply.

This code does not cover the provisions of legislation covering vehicle roadworthiness, driver times etc.

TRANSPORTERS

Except for very short journeys (less than 65 km – actual journey not as the crow flies) any movement of animals for commercial purposes must be carried out by an “authorised transporter”. Transporters must ensure they have the authorisation required for a given journey-this varies according to the length of the journey.

<http://www.defra.gov.uk/animalh/welfare/farmed/transport/eu-transportreg.htm#taa>

Transporters may apply for authorisation in only one member state. The authorisation given applies to journeys throughout the EU.

PRIOR TO TRANSPORT

No livestock should be despatched unless in direct response to an order that has been received.

Before sale a careful visual examination of livestock should be undertaken. Only fish in good health as far as can be reasonably determined without veterinary inspection should be considered fit for transport. No fish showing signs of illness or disease, including open wounds, should be considered fit for transport.

Carriers should not be expected to inspect or take responsibility for the manner in which fish are packed except for an external inspection of the containers. Responsibility for the packing rests with packers not the carriers.

FITNESS TO TRAVEL

There should be no obvious external wounds or infections. Prior to preparation for transport the fish should be feeding behaving normally and their appearance should be normal for the species (taking into account age etc). If there is any doubt then appropriate veterinary or other expert inspection may be required.

PREPARATION FOR TRANSPORT

As appropriate to the size, age and species of the fish concerned food may be

withdrawn prior to transport. Fish should ordinarily be packed to survive double the intended transport time in the UK -on journeys by air the IATA Live Animal Regulations stipulate they must be packed to survive 48 hours from the time accepted by the airline, on journeys to other EU member states the authorities in that state should be consulted concerning the rules that apply. The method of preparation of fish for transport used should be justified by records of past performance of the style and techniques used.

VEHICLES

Vehicles should be covered and roadworthy.

CONTAINERS

Normally these would be in the style of those designated by the IATA-LARs (double polythene bags, 1/3 water-2/3 oxygen or air as appropriate to the species and transport time inside polystyrene boxes with or without a cardboard outer). If lesser packing is used eg cardboard box outers only used for transporting coldwater ornamentals in summer then responsibility for the welfare of the fish lies with the packer.

DOCUMENTATION TO ACCOMPANY CONSIGNMENTS

Document is prepared containing the following information:

- Origin and owner
- Place of departure
- Date and time of departure
- Intended place of destination
- Expected duration of the intended journey

Name of person responsible for transport

Written instructions about feeding and any special care required shall accompany the fish. (see Annex below)

DURING TRANSPORT

It should be possible to contact the driver (for instance by mobile phone) at all times.

Containers of fish should not be exposed to excessive temperatures (caused by, for instance, strong sunshine or strong cold winds or frost) or rough handling. They must be marked to indicate the presence of live animals and with a sign indicating the top of the container. Containers should remain upright during transport and secured, as appropriate, to prevent movement.

No heavy objects should be stacked on the top of fish boxes at any time during

transport.

Fish in closed containers should not be:

- fed
- or
- examined during transport except for official purposes. Unpacking during the journey should be avoided if reasonably practicable and should only be undertaken to benefit the welfare of the livestock or for statutory purposes.

Fish shall be transported in accordance with the written instructions about feeding, and taking into account any special care required. (see Annex)

OFFICIAL & OTHER EXAMINATIONS

It is recommended that examinations only be carried out in specially designed official sites in exceptional circumstances or preferably at the place of destination.

If for any reason the fish have to be unpacked before their final destination then the following conditions must be observed:

- the operation must take place in a room where the ambient temperature is within the range stated on the label.
- the operation should be conducted in dimmed or red light. It should not occur in bright sun or artificial light.
- any water that is used for topping up or replacement must be to a very similar chemical and physical nature to the packing water at the time of unpacking.
- expert ichthyological advice should be sought.

RECEIPT OF LIVESTOCK

Receiving businesses should accept responsibility for any livestock ordered once despatched, in good faith, for delivery at a reasonable time or at another pre-arranged time. An out of hours contact should be available so that any delay in delivery can be dealt with promptly.

UNPACKING LIVESTOCK

Fish should be carefully unpacked at the place of destination. Preferably in dim light and avoiding strong sun or artificial light sources. The animals should be acclimated to the physical and chemical water conditions in the holding facility using all reasonably practicable means to reduce the stress

experienced by them during the procedure.

Transport of livestock sold to customers in a retail outlet

Though the carriage of animals from retail outlet to the customers home is not covered by the regulation this journey may have significant adverse impacts upon their welfare unless appropriate equipment is used and care taken. Such measures should be taken to ensure both retailer and customer meet their duty of care as required by animal welfare laws in the UK.

Fish or other aquatic organisms should be sold in containers suitable for the journey to be undertaken and thus ensure they arrive in good health. Special regard should be paid to the climatic conditions and length of journey.

The containers should:

contain a sufficient oxygen supply for the organisms for the duration of their journey;

contain an appropriate quantity of water;

have sufficient insulation to prevent large fluctuations in temperature;

be covered to exclude light.

Fish which may be aggressive to one another, should be packed separately. It may be necessary to prevent these fish from having any visual contact.

ANNEX

Exemplar written instructions to drivers of vehicles carrying containers of live ornamental fish:

Do not feed these fish in transit

Do not open boxes of ornamental fish in transit.

Containers of fish should be kept:

- upright
- treated as urgent fragile packages

Containers of fish should not be exposed to:

- excessive temperatures (caused by, for instance, hot sunshine or strong cold winds or frost)
- rough handling

Damaged containers should be returned to the point of origin or forwarded to destination as quickly as possible where expert care can be given to ensure the welfare

of the fish concerned. In extreme cases advice should be sought from the owner of the fish, in exceptional circumstances veterinary advice might be required.



DEALERS AND EXPORTERS OF MARINE PRODUCTS
P.O BOX 80492, MOMBASA - KENYA. TEL: +254-41-2493946 / 2495267
Email: seafood@refish.com

4th April 2017

To: CEO
Kenya Association of Manufacturers
Nairobi.

Dear Sir / Madam

RE: NOTICE BY NEMA TO BAN PLASTIC BAGS

We have come to understand that NEMA has issued a notice to ban the use of Plastic Bags.

We are a Seafood Exporting company and all our Marine Products are packed in Plastic Bags as per the requirements and specifications from the Importers, our bags are made in thickness of 70 microns and are used solely for packing of Export products to the European Union.


Such a move by NEMA will adversely affect our business to the extent of imminent closure as our Export market will vanish in the thin air, we shall not be alone, the whole of Fish industry will suffer too.

We appeal to you to intervene in this matter, from our knowledge most Fish Exporting Companies will shut down its operations, which will result in mass redundancies.

Our Fate and the Fate of the Fish Industry is now in your capable and esteemed hands and we believe a solution is attainable

Thanking You,

Yours Faithfully


Ransafrika Fisheries Ltd.

MBI.sm



KENYA

Tropical sealife Ltd

03 04 2017

To

KENYA ASSOCIATION OF MANUFACTURERS

SUBJECT:



PACKAGING REQUIREMENTS/REGULATIONS IN EXPORT OF LIVE ORNAMENTAL FISH

Kenya Tropical Sealife Ltd has been established in the coastal area of Mtwapa / Kanamai since 2002.

Over the years we have grown the business to become recognized as the primary exporter of Live Tropical Fish in Kenya, with a worldwide client base

The ornamental fish industry includes more than 125 countries in the collection, breeding, import and export of ornamental fish

Due to the sensitive nature of the product/species, all our consignments are exported via airfreight.

In doing so, we have to ensure that preparation, handling, packaging and export procedures comply with the stringent standards of IATA (International Air Transport Association) and of airlines/carriers whose services we employ to carry consignments to the final destination.

The packing of Live Fish must be such that species are suitably protected, and the 'environment' whilst in transit is conducive to ensuring the wellbeing of species from initial packing until final arrival & subsequent transfer to client premises.

Please refer to below excerpt - IATA Live Animals Regulations

For shipping of aquatic small tropical fish species.

These are packed in plastic bags containing a minimum of ¼ water and the remaining space with oxygen 2/3 oxygen and 1/3 water in which the fish must be fully immersed and able to swim freely. This bag is then placed within an outer container. The outer container must be rigid and not be able to buckle or bend. It must have all the sides and the top and bottom re-enforced so that it can withstand damage from other freight falling on it.

All closed containers must be so constructed that they are completely leak proof. It must also be placed in polyethylene sheeting within the hold in case of damage during transit. The bags are fastened by twisting the top and folding the twisted part so that it can be sealed with elastic bands plastic ties, or metal clips. The bags may also be heat sealed.

It is preferable that each bag is placed in an outer bag of similar size to prevent leakage of water.

PREPARATIONS BEFORE DISPATCH

There must be only one species per bag. The inner bag must be filled with a minimum of water to approximately ¼ water ½ of its capacity. and the remaining ¾ volume



KENYA

Tropical sealife Ltd

of the container is to be filled with oxygen.

The above methods of packing and related packaging is therefore internationally recognized. In addition to the bags used to hold the fish, the fiberboard containers have in addition 2 lining bags to safeguard against leakage.

In addition the box outer must be covered in clear plastic to prevent any rain damage where consignment is being transferred between flights and /or cargo warehouse.

This is a prerequisite of all airlines

It should also be noted that all Live Fish consignments are subject to screening and veterinary checks at point of exit and import. Depending on the country boxes are randomly or indeed all opened to verify contents. The fact that the species are packed in clear plastic bags facilitates this process.

From the brief overview above, you will realize that the use of plastic bags is not only essential but critical to the export/import of Live Tropical Fish, not solely in Kenya, but worldwide.

It should also be noted that any plastic unused or found to be damaged is not destroyed but returned to local companies for recycling purposes

We have come to understand of imminent ban of Plastic Bags by the Government, such a ban will adversely affect our business to the point of closure, without the ability to use plastic bags the company along with others in same market, would cease to operate resulting in significant loss of employment and of course impact on our relevant packaging and other suppliers in Kenya.

Your due attention and consideration of the above would be highly appreciated in an effort to sustain our business in Kenya

Should you require any further information, and/or insight into our business operations & practices, please do not hesitate to contact us

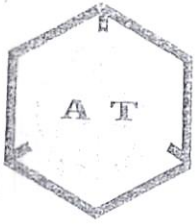
Yours faithfully

Mr Rene Dalgaard Jorgensen

CEO

Ms Karyn Rule

Director



Abbas Traders Ltd.

Fazel House
Mozambique Road, Shimanzi
P.O. Box 80240-80100
Mombasa, Kenya
Tel: 2316699/2220284/2228080
E-mail: office@abbastraders.com

10th April, 2017.

The CEO
Kenya Association of Manufacturers
Nairobi.

Dear Sir / Madam

RE: NOTICE BY NEMA TO BAN PLASTIC BAGS

We have come to understand that NEMA has issued a notice to ban the use of Plastic Bags.

We are a Tea Exporting company and all our Teas are packed in Printed Plastic Bags as per the requirements and specifications from the Importers, our bags are made in thickness of 70 microns and are used solely for Export of Consumer Packet Teas.

The move by NEMA will adversely affect our business to the extent of cancellation of orders, affecting our business volume massively. We believe this will badly impact the Tea Industry as a whole in value added Tea packaging for Exports.

We appeal to your esteemed organization to intervene in this matter, as loss of business may result in heavy redundancies as well.

We humbly appeal to you to go through the required channels to reverse this notice which will be highly detrimental not only to the Tea Export fraternity, but in various other Export oriented industries who are engaged in Value Added packaging.

Thanking You,

Yours Faithfully.



ABBAS TRADERS LTD



AIMCO ENTERPRISES LTD

Member East Africa Tea Trade Association

P.O. Box 40973 - 80100
Mombasa-Kenya

Email: edle2005@hotmail.com

Mob: 0728 - 856255
Tel: 2222374
Mombasa-Kenya

Date:.....10th April, 2017.....

The CEO

Kenya Association of Manufacturers

Nairobi

Dear Sir/Madam

RE: NOTICE BY NEMA TO BAN PLASTIC BAGS

We have come to understand that NEMA has issued a notice to ban the use of plastic bags

We are a tea exporting company and all our teas are packed in printed plastic bags as per the requirement and specifications from the importer, our bags are made in thickness of 70 microns and are used solely for export of packed tea.

Such a move by NEMA will adversely affect our business to the extent of imminent closure as our export market will vanish in the thin air, we shall not be alone, the whole of tea industry will suffer too.

We appeal to you to intervene in this matter, from our knowledge most Tea Export Companies will shut down its operation, which will result in mass redundancies.

Our fate and the fate of the tea industry is now in your capable and esteemed hand and we believe a solution is attainable

Thanking you

Yours Faithfully

Aimco enterprises limited



LULA TRADING COMPANY LTD.

P.O. Box 40313
Mombasa
Kenya

Tel: 493952
Fax: 493355
E-Mail:lulaone2003@yahoo.com

5th April, 2017

THE CEO,
KENYA ASSOCIATION OF MANUFACTURERS,
NAIROBI.

Dear Sir/Madam,

RE: NOTICE BY NEMA TO BAN PLASTIC BAGS

We have come to understand that NEMA has issued a notice to ban the use of plastic bags.

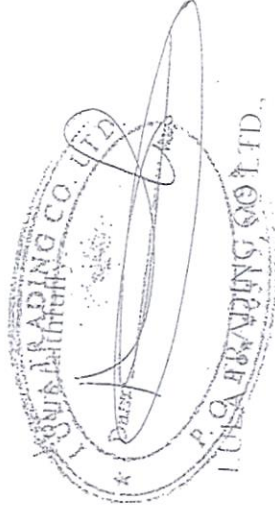
We are tea exporting Company and all our teas are packed in printing plastic bags as per the requirements and specification from the importers, our bags are made in thickness of 70 microns and are used solely for export of packed teas.

Such a move by NEMA will adversely affect our business to the extent of imminent closure as our export market will vanish in the thin air, we shall not be alone, the whole of tea industry will suffer too.

We appeal to you to intervene in this matter from our knowledge, most tea exporting companies will shut down its operation, which will result in mass redundancies.

Our fate and fate of the tea industry is now in your capable and esteemed hands, and we believe a solution is attainable.

Thanking you.





Chandaria Industries Ltd

WHEN TISSUE IS THE ISSUE... AND NOW GOING BEYOND THE LOO!

P.O. Box 30621 - 00100 G.P.O, Baba Dogo Road, Ruaraka, Thika Road, Exit 6, Nairobi, Kenya.
Mobile: (+254) 723 414 172 / 721 587 270 / 722 225 999 / 733 872 828 Email: info@chandaria.com / sales@chandaria.com

24/13/10/08

MB/SM

Monday 10th April 2017

Phyllis Wakiaga
Chief Executive,
Kenya Association of Manufacturers,
Nairobi,
Kenya



Dear Ma'am,

REF: Chandaria Industries Ltd – Views on Plastic Ban, Gazette Notice No. 2356

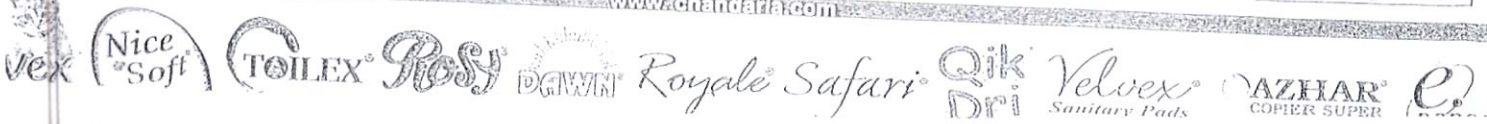
Chandaria Industries Ltd being one of the largest manufacturers of Tissue, Paper and Hygiene Products in Kenya, East and Central Africa would like to bring to the attention of the Kenya Association of Manufacturers (KAM) some of the major impacts of the Plastic Ban to the Manufacturing Sector with our views highlighted below.

Views on Plastic Bag Ban

Sector	Product manufactured/packaged /affected Product	Impact of the ban - Cost/losses on revenue/jobs - Effect on economic growth.	Proposal/ Recommendation
Tissue, Paper and Hygiene Products	Toilet Tissue, Jumbo Tissue, Napkin Tissue, Kitchen Towel, Hand Towel, Barrel Hand Towel, Facial Tissue, Pocket Tissue, Cotton Wool, Sanitary Napkin, Dispensers, Wet Wipes AND ALL PLASTIC OUTER PACKAGING	1. Negative Impact on Industrial Development, which will have a major impact on Kenya's GDP.	Exempt industrial packaging.
Tissue, Paper and Hygiene Products	Toilet Tissue, Jumbo Tissue, Napkin Tissue, Kitchen Towel, Hand Towel, Barrel Hand Towel, Facial Tissue, Pocket Tissue, Cotton Wool, Sanitary Napkin, Dispensers, Wet Wipes AND ALL PLASTIC OUTER PACKAGING	2. Employment and Investment.	Exempt industrial packaging.
Tissue, Paper and Hygiene Products	Toilet Tissue, Jumbo Tissue, Napkin Tissue, Kitchen Towel, Hand Towel, Barrel Hand Towel, Facial Tissue, Pocket Tissue, Cotton Wool, Sanitary Napkin, Dispensers, Wet Wipes AND ALL PLASTIC OUTER PACKAGING	3. National Inflation	Exempt industrial packaging.



www.chandaria.com



1. Negative Impact on Industrial Development

- a. It is known worldwide that the manufacturing sector is moving towards faster more automated packing lines. Everywhere else in the world plastic is the main raw material for packing tissue and hygiene products from SA to Europe, Asia and USA.
- b. Plastic packaging has various benefits such as visual appearance, printability, provides water proofing safety for e.g. for hawkers on the road when it rains. Given that other African countries will continue with plastic packaging, Kenyan products will look less attractive to customers which will affect our ability to compete within EAC, COMESA and other African countries.
- c. Chandaria Industries may be forced to relocate operations to a more conducive African country.

2. Employment & Investment

- a. Keeping abreast with the market trends and our aim to continuously improve, the company has invested over KES 2bn over the last few years in plastic based packaging lines for which there are no alternatives to plastic. Globally leading tissue and hygiene product manufacturers in Europe and USA are actually investing more money for R&D into plastic packaging.
- b. If Chandaria Industries is forced to shut down its plastic packaging lines, we will be forced to send 350 people home. If we are unable to pack our products the whole company will shut down and over 1,000 people will be forced to go home. Leading to an increase in unemployment, huge redundancy costs to the company and loss of revenue for KRA/Government.

3. National Inflation & Impact on Consumers'

- a. Alternatives or other solutions if available in the future will lead to higher manufacturing cost and more expensive products for the consumer, leading to rapid national inflation.
- b. If an alternative is found which is not translucent the contents of the product will not be visible to the consumer which may mislead the consumers' purchasing decision.
- c. Certain manufacturers will take advantage of lack of visibility of product contents to manufacture substandard products.

Yours Sincerely,
CHANDARIA INDUSTRIES LTD



Darshan Chandaria
Group CEO

Nestlé Kenya Ltd.

Pate Road 3, Industrial Area
P.O. Box 30265-00100
Nairobi, Kenya



The CEO,
Kenya Association of Manufacturers,
P.O Box 30225-00100,
Nairobi.

April 7th, 2017

Dear Madam,

**RE: IMPACT OF THE RECENT PLASTICS BAN ON NESTLÉ KENYA NAIROBI
FACTORY OPERATIONS**

Nestlé Kenya Ltd has been in operation in Kenya for the last 50 years with a factory at Pate Road, Industrial Area. The factory manufactures products for local consumption and export to regional (EAC, COMESA) and overseas markets, including Europe.

The following products from our factory will all be negatively affected by the recent plastics ban as there is no clear exclusion of industrial packaging;


- Nestlé CERELAC 50g – packed in laminate (sachet)
- Nestlé CERELAC 200g – packed in laminate (bag in box)
- Nestlé CERELAC 400g – packed in laminate (bag in box)
- Nestlé MILO® 15g – packed in laminate (sachet)
- Nestlé NESCAFE 1.6g – packed in laminate (sachet)
- Nestlé NESCAFE 3in1 18g – packed in laminate (sachet and pouch)
- Nestlé MAGGI CUBE 4g – packed in monofilm and polythene pouches
- Nestlé MILO 200g – packed in trays and shrink-wrapped in polythene shrink film
- Nestlé MILO 400g – packed in trays and shrink-wrapped in polythene shrink film

The production and supply of all the above products will suffer from the ban leading to the closure of Nestlé Kenya's operations. Transition to alternative packaging is not viable within the grace period extended by the ban as it requires years of research, trial & development, viability evaluation, machinery investment, etc.

Nestlé Kenya has 170 permanent employees, comprising factory and head office staff, in addition to 20 casuals. As we also procure materials and services from 227 Kenyan suppliers worth KES 582,564,679 annually, the ban would have a significant impact on income and jobs within the supply chain.

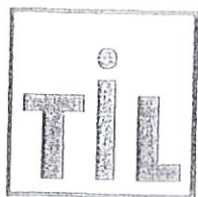
This letter therefore requests your prompt intervention, in conjunction with the relevant stakeholders, to engage and align on advocacy strategies to address the matter.

Yours faithfully,


Ciru Miring'u
Managing Director, Nestlé Kenya Ltd

Views on Plastic Bag Ban – Wrigley (EA) Ltd.

Sector	Product manufactured/packaged /affected Product	Impact of the ban	Proposal/Recommendation
Food and beverage	<p>Packaging Wrigley products</p> <p>1. Wrigley plastic packaging Material is not manufactured by Wrigley. It is sourced for use as packaging material from Packaging Vendors, for our manufacturing process.</p> <p>2. Wrigley Plastic packaging material sourced, is not for household use and does not serve as a carrier function.</p>	<p>1) With a ban on the plastics packaging this will significantly impact our products due to:</p> <ul style="list-style-type: none"> • Lack of Consumer Quality and Food Safety Protection. • Low Product Quality and Consumer satisfaction. • Low delivery on product care and protection during distribution and storage value stream. • Low protection from foreign object hazards • Low protection from infestation • Very low freshness and no shelf-life protection. • Low protection from environment factors e.g. Humidity, rain, dust • Low Integrity protection. • Low protection on Regulatory and brand labelling • Low protection of Consumer and Customer value for money • Low Brand Image protection • Low protection from fraud/Counterfeit • Very low protection from product sabotage, tampering and theft Protection. • Increased waste from product damages and returns if product was not secured by Plastic packaging. <p>2) The ban will also compromise our revenues due to unviable manufacturing processes, leading to loss of jobs and lack of competitiveness.</p> <p>3) Significant impact on existing packaging investment; machinery, processes, with insufficient time to re-work the entire format due to time taken in R&D.</p>	<p>1. Continue our zero-waste-to-landfill commitment; of which Wrigley achieved a 100% compliance in all our manufacturing sites.</p> <p>2. Continued collaboration on plastic value-chain initiative: Ellen MacArthur Foundation's New Plastics Economy) to increase recovery of plastics for recycling with focus on preventing them from getting into our oceans</p> <p>3. Continue packaging design principles to ensure minimal use of all packaging to protect product and use as much as we need to protect product and use recycled content in our Non-food contact packaging.</p> <p>4. Continued and upscaling support of the Wrigley Company Foundation's educational litter program with schools in Nairobi</p> <p>5. Explore the use recyclable packaging. As a part of Mars, our Commitment to making our packaging 100% recyclable by 2025.</p>



The mark of excellence

MB
KAS/2017/07

TECHPAK INDUSTRIES LTD

Smart Packaging Solutions

March 29, 2017

Chief Executive Officer
Kenya Association of Manufacturers
Nairobi

Dear Sir,

Re: Plastic Bags Ban

We refer to Gazette Notice No. 2356, wherein Plastic Bags usage in Kenya is proposed to be banned with effect from 1/9/2017.

In your efforts to take up this with relevant authorities, we wish to share our concerns as below.

- 1) We at Techpak are engaged in business of Plastic packaging and consumer products i.e. packaging cups, vegetable trays, plates/ glasses, etc. Our products are used by various food and milk processing company and people at large for day to day usage.
- 2) We use plastic bags and sleeves for inner packing of our products. After packing in plastic sleeves they are packed in cartons. In addition, certain products like vegetable trays are further packed in plastic bags.
- 3) Please note we are BRC Certified (Global Standards for Packaging and Packing Materials) for food safety. Plastic bags and sleeves we using are acceptable to BRC agencies.
- 4) At present we cannot find any alternative to plastic bags and sleeves required for packing of our products. Any other option, even if available need to be hygienic and ensure dust & bacteria free packing of products. As these will be used for further packing of food items for human consumption.
- 5) Also we see anomaly in notification wherein any import of products which are packed in plastic bags are allowed, however manufacturing companies in Kenya are not allowed to use plastic bags for packaging.



P.O. Box 30802 - 00100 Nairobi, Kenya .Tel: (+254) 733 330004, 733 330011, 733 330023, 703 792264

www.techpak.biz, sales@techpak.biz



- 6) In addition, please note all over the world plastic sleeve packaging is done for kind of products we manufacture. Paper packaging is not considered hygienic and also can not keep the product dust free.
- 7) In light of above, we seek your assistance in raising our concerns with relevant authorities and seeking exemption for usage of plastic bags for packaging of our products.

For Techpak Industries Ltd



Hemal Shah
Director

Note: Please forward Copy to Mr Robert Juma and Plastic Sector Group



ECONOMIC IMPACT OF PLASTIC BAN TO INDUSTRIES

1.0 Economic impact of the manufacturing sector

The manufacturing sector recorded a decelerated growth of 3.5 per cent in 2016 from a revised growth of 3.6 per cent in 2015. The sector's growth remained stifled in the period under review mainly attributable to underperformance of other sectors such as agriculture and electricity that provide inputs for manufacturing activities. The near stagnation in the growth of manufacturing was also manifest in the slow uptake of credit from Ksh. 290.1 billion in 2015 to Ksh. 276.7 billion in 2016.

2.0 The following table summarises the economic impact and expected losses due to the plastic ban;

- Manufacturing sub sector and products under them affected
- Economic contribution analysis of the sectors affected by the plastic ban
- Summary of losses in regard to jobs; contribution to taxes and markets

Manufacturing Sub sectors	Products affected/ Plastic usage	Economic analysis of sectors (Source – Manufacturing survey 2012; Economic Survey by KNBS; National Treasury; World Bank statistics, UNIDO)	Summary Total Job Loss and Economic Losses
1. Plastic	<ul style="list-style-type: none"> Produce plastic flat bags for sold across sectors for production and packaging. Produce plastic shopping bags; plastic recyclable shopping bags; and plastic bio degradable shopping bags. 	<ul style="list-style-type: none"> Use plastic bags for production and packaging for domestic use and exports. Plastic sector has 328 enterprise out of which estimated 176 produce plastic packaging and the other rubber products. The sector market for its products is, domestic, EAC and COMESA. Contribution to GDP in 2011 was 11% (source manufacturing survey, 2012) and this has since increased significantly. Estimates confirm that there are 176 plastic manufacturing companies all around Kenya (3.4% of all manufacturers). The value of the plastic sectors investment is over 105 billion Kenya shillings. The direct employment created by the plastic sector is over 2.89% Kenyan employees (approx. 60,000 employees). Indirect employment and dependents through retailers, wholesalers, recyclers, packers and outlets is over 1.2 million personnel nationwide. The annual turnover is over 100 billion Kenya shillings. 	<ul style="list-style-type: none"> Job losses <ul style="list-style-type: none"> Direct employment by estimated 176 plastic industries is 60,000 employees. Indirect employment and dependents through retailers, wholesalers, recyclers, packers and outlets is over 1.2 million personnel nation-wide. Value of the plastic sector investment is over 105 billion Kenya shillings. Direct loss of tax estimated at Kshs. 5.262 billion per annum.

2.	Food	<ul style="list-style-type: none"> • Canned vegetables, fruits, fish, oils and fats. • Grain mill products • Bakery & sugar confectionary products • Animal feeds • Alcoholic products • Dairy processors • Tobacco • Meat processing manufacturers. 	<ul style="list-style-type: none"> • Use plastic packaging for production and packaging for both domestic and exports. • Existing enterprises in this sector are estimated at 1,260 which a large part of them operates in rural areas such as maize milling, bakeries, animal feeds etc. • Employment estimated at 93,200 million people directly. • Sectors contribution to GDP is 25% (source manufacturing survey, 2012). • Actual turnover estimated as 97,053 million. • Exports contribution is 26% standing at 197,888,000 million to COMESA, EU, Egypt, Germany, USA, Netherlands, Finland, Canada and Sweden. • Persistent drought hampered growth in the sector in 2016 impacting negatively on agriculture (Source, economic survey 2017, KNBS). • Plastic ban will significantly increase prices due to substituting plastic packaging with alternatives which cost more. High food prices lead to a surge in the inflation. In 2016, food prices went from 4.6 per cent in 2015 to 6.4 per cent in 2016. 	<ul style="list-style-type: none"> • Job losses due to the ban is estimated to affect 93,200 million people directly employed by the sector. • Exports contribution of 26% of total country exports will be affected. • Turnover estimated as 97,053 million will significantly reduce.
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3.	Meat Production	<ul style="list-style-type: none"> • Group affected; - Meat processors 	<ul style="list-style-type: none"> • Usage of plastic bags for packaging meat products for domestic and export use such as pork products than beef, mutton and goat meat. • Exports are mostly to East Africa and Middle East regions. • Farmers Choice (FC) a member of KAM, is one of the leading processor and distributor of meat products in Kenya and exports about 1,500 tons per year (20% of its total production). 	<ul style="list-style-type: none"> • Job losses - Estimated exports value of 1,500 tons will decrease.
4.	Tea	<ul style="list-style-type: none"> • Tea processors • Tea seedling planters 	<ul style="list-style-type: none"> • Sub sector uses plastic bags for, - Planting of seedlings; - Packaging tea in printing plastic bags as per requirements and specifications from importers. - General packaging for domestic use and exports. • Tea remained the leading export commodity in 2016 with its earnings rising from Ksh. 123.0 billion in 2015 to Kshs 124.5 billion in 2016. • Tea cultivation and manufacturing is present in 15 of Kenya's 47 counties and impacts a large proportion of Kenya's 44 million people. • Tea provides income and employment to 600,000 smallholder households and 150,000 workers at tea estates. • Domestic exports of tea rose from 420.5 thousand tonnes in 2015 to 480.0 thousand 	<ul style="list-style-type: none"> • Job losses due to the ban - Estimated to affect over 600,000 smallholder households and 150,000 workers at tea estates. • Economic contribution - Closure of export market for tea since packaging requirements will not be met. - Export revenue of 124.5 Billion to be affected.

			<p>tonnes in 2016 reflecting a 14.1 per cent increase.</p> <ul style="list-style-type: none"> • In 2016, there was reported a decline in unit price of exported tea, value of tea production and earnings from marketed tea. 	
5.	Floriculture	<p>Flowers</p> <ul style="list-style-type: none"> • Plastic bag used for packaging flowers for domestic use and exports. • Plastic bag for packaging is a requirement from export markets 	<ul style="list-style-type: none"> • The sub sector uses plastic bag for packaging flowers for both domestic and for exports. • Kenya is the third largest exporter of cut flowers in the world, accounting for around 35% of all sales in the European Union. • More than 500,000 people in the country depend on the trade (Reports by Kenya Flower Council). • Estimated 127 flower farms across the country. • The volume of exports of cut flowers reported a rise by 8.9 per cent, respectively, in 2016. This led to a 12.3 per cent growth in the value of fresh horticultural exports from KSh 90.4 billion in 2015 to KSh 101.5 billion in 2016. • Exports to EU, Russia and US. 	<ul style="list-style-type: none"> • Job losses <ul style="list-style-type: none"> - 500,000 jobs in the sub sector will be affected with the ban. • Economic contribution <ul style="list-style-type: none"> - Value of fresh horticultural exports worth Ksh. 101.5 billion stands to be affected.
6.	Horticulture	<ul style="list-style-type: none"> • Horticulture involves cultivation of vegetables, fruits and flowers for sale 	<ul style="list-style-type: none"> • Use plastic bags for packaging for domestic and exports. • Reports confirm about 2 million people are employed in the horticulture sub-sector, most 	<ul style="list-style-type: none"> • Job losses <ul style="list-style-type: none"> - 2 million people are employed in the horticulture sub-sector are at risk to be

			<p>of them small-scale growers who constitute 80 per cent of producers.</p> <ul style="list-style-type: none"> • Horticulture was the second highest source of export revenue with its earnings rising by 9.2 per cent to Ksh 110.3 billion in 2016. • The horticulture sub-sector generates approximately US \$ 1 billion annually. • The volume of exports of fruits and vegetables estimated at 5.4 and 13.1 per cent, respectively, in 2016. • Value of fresh horticultural exports estimated at Ksh. 101.5 billion in 2016. 	<p>affected by the plastic ban.</p> <ul style="list-style-type: none"> • Economic contribution <ul style="list-style-type: none"> - Export revenue earnings estimated at Ksh 110.3 billion in 2016 will be affected.
7.	Fisheries and aquaculture	<ul style="list-style-type: none"> • Fish processors • Ornamental fish industry • Sea food exporting companies 	<ul style="list-style-type: none"> • Use plastic packaging for domestic use and exports. • For ornamental aquarium marine fish exports, packaging is guided by IATA live animals regulations. The packaging is in plastic container bags of a minimum of ¼ water and remaining space with oxygen. • Kenya's fisheries and aquaculture sector contributes approximately 0.54 percent to the country's GDP (2013). • Estimates show that over 129 300 people derived their livelihood from fishing and fish farming activities (including 48 300 in inland waters, 13 	<ul style="list-style-type: none"> • Job losses <ul style="list-style-type: none"> - Over 129 300 direct jobs created by the sub sector stand to be lost. • Economic contribution <ul style="list-style-type: none"> - GDP contribution is expected to decline. - Market already established will be lost since packaging is guided by IATA live animals regulations.

			<p>100 in coastal waters fishing and around 67 900 in fish farming). This</p> <ul style="list-style-type: none"> • The value of fish exports was about USD 62.9 million in 2012, or about 5 times greater than the USD 12.3 million in fish imports. • Activity in the Fishing sector in 2016 is reported to have decreased compared to the performance recorded in 2015. • Growth in the manufacture of food products was reported in 2016 to be curtailed by poor performance in processing and preservation of fish as well as processing of fruits and vegetables that continues to post declines. 	
8. Textile and Apparel	<ul style="list-style-type: none"> • Articles of apparel • Clothing accessories 	<ul style="list-style-type: none"> • Use plastic bags for packaging. • The textile sub sector estimates employment at 50,000 and 100,000 smallholder cotton farmers. • Articles of apparel and clothing accessories were the leading export earners • Textile sub sector accounts for 56.7 per cent of the total domestic exports during the review period. 	<ul style="list-style-type: none"> • Job losses - 50,000 direct jobs and 100,000 smallholder cotton farmers. • Economic contribution - Contribution of 56.7 per cent is expected to decrease. 	
9. Energy, electrical and electronics	<ul style="list-style-type: none"> • Manufacture of electrical machinery • Manufacture electric 	<ul style="list-style-type: none"> • Sub sector uses plastic bags for packaging and insulation. • Estimated 133 enterprises in 2011 and 	<ul style="list-style-type: none"> • Job losses - Estimated jobs at 16,800 are at risk. 	

	lights and power. • Electric cables.	<p>contribution to GDP at 2.5%.</p> <ul style="list-style-type: none"> • Employment stands at over 16, 800 direct employees. • Exports contribute to 0.1% at a value of 7,454 million in 2011. • The sector's growth remained stifled in the period under review mainly attributable to underperformance of other sectors such as electricity that provide inputs for manufacturing activities. 	<ul style="list-style-type: none"> • Economic contribution - Estimates show that the existing 133 enterprises will be affected. - Contribution to GDP at 2.5% will be affected.
10 Salt mining	• Salt mining	<ul style="list-style-type: none"> • Use plastic bags during production and packaging. • Salt mining generates massive profits for the investors and towards Kenya's revenue margin. • Salt farming is the major economic activity in the coastal region providing employment for majority of the residents mostly as casual workers and permanent employees. 	<ul style="list-style-type: none"> • Job losses - Estimated jobs created by the sector will be lost and economic contribution decrease.



KAM PETITION ON THE PLASTICS BAN IN KENYA

PRESENTED TO

CHAIR PERSON, NATIONAL ASSEMBLY COMMITTEE ON ENVIROMENT

BY

THE KENYA ASSOCIATION OF MANUFACTURERS (KAM)

MAY 2017- NAIROBI, KENYA

A. INTRODUCTION

About KAM

1. Kenya Association of Manufacturers (KAM) is the leading business membership organization in East Africa that plays a key advocacy role on behalf of manufacturers in Kenya and in the region through her strong linkages with all sectors of the economy. KAM has over 950 members and represents over 40% of Kenya's manufacturing value add industries.

KAM efforts towards environmental management and conservation

2. KAM is committed to promote a clean environment and has been in the forefront supporting environmental conservation in industrialisation. Some of the initiatives the organisation has been part of are as follows;
 - Energy and water management efficiency
 - KAM has been a key partner in development and implementation of Climate change policies and laws.
 - Consultative meetings between KAM and NEMA in 2003 lead to the development of the 10-point action plan (Appendix 1) on plastics management. This was followed by consultative meetings between KAM and KNCP on how to cost effectively implement the 10-point action plan in the following year.
 - National Environmental Management Authority (NEMA), Kenya Bureau of Standards (KEBS) and KAM have in place a partnership agreement. The partnership has seen collaborations between the organisations in seeking a lasting solution to environmental pollution by plastics. The overall aim was to balance the positive benefits of plastics packaging and environmental conservation. Enclosed is a copy of the MOU marked Annex 1.
 - Manufacturers are engaged in recycling of plastic waste and waste management measures. Kenya now has now adopted the most advance technologies to recycle plastic waste. On average more than 40% of plastic products are recycled from efforts of manufacturers. Other firms recycle 100%.
 - Manufacturers continue to invest in producing bio degradable and recycled plastic bags as alternatives to plastic packing. This efforts however require support from government to enhance production.

Role of Plastic Sector in Kenya Vision 2030

3. Under Vision 2030 the plastics sector is mentioned as key driver in exploiting opportunities to add value to imports that could then be re-exported, in order to capture the "last step" of value addition. This is to ensure the country becomes the provider of choice for basic manufactured goods in eastern and central Africa especially in key agro-processing industries.

Legal basis of the Ban - The Environmental Management and Co-Ordination Act, 1999

- The Ministry of Environment and Natural resources imposed a ban on the use, manufacture and importation of all plastic bags vide Gazette Notice No. 2356 dated 28th February 2017.
- The ban affects the following commercial and household plastic bags:
 - Carrier Bags – Bags constructed with handles, with or without gussets.
 - Flat Bags – Bags constructed without handles, and with or without gussets.
- The specific provisions of the law that the Notice is based on are on Section (1) and Section 86 of the Environmental Management and Co-Ordination Act, 1999.
 - Section 3 (1) provides that every person in Kenya is entitled to a clean and healthy environment and had the duty to safeguard and enhance the environment.
 - Section 86 The Standards and Enforcement Review Committee shall, in consultation with the relevant lead agencies, recommend to the Authority measures necessary to:-
 - (1) Identify materials and processes that are dangerous to human health and the environment; issue guidelines and prescribe measures for the management of the materials and processes identified under subsection (1);
 - (2) Prescribe standards for waste, their classification and analysis, and formulate and advise on standards of disposal methods and means for such wastes; or
 - (3) Issue regulations for the handling, storage, transportation, segregation and destruction of any waste.

B. KAM GROUNDS AND JUSTIFICATION FOR THE PETITION

	Grounds for KAM Petition	Justification
1.	<p>Lack of stakeholder engagement and participation in development of the policy directive on the plastic ban.</p> <p>KAM Prayer:</p> <ol style="list-style-type: none"> 1. Propose reversal of the Notice on the Ban due to lack of public consultation with relevant stakeholders. 2. Require the Cabinet Secretary of Environment and Natural Resources to; <ol style="list-style-type: none"> (i) Produce a report on the claims of conducting public participation process on the ban and subsequent memoranda or views submitted to them with regard to the ban. (ii) Current impact analysis/research on the impact of the ban socially and economically and measures in place to ensure transition is managed effectively. 	<ul style="list-style-type: none"> • The Kenya Association of Manufacturers was not engaged by the relevant environmental agencies on the proposed ban. This is despite that the ban targets and affects manufacturers. • No specific invitation for consultative engagements were held between KAM and the relevant government agencies on the ban. • In fact, KAM had been proactively engaging with the Ministry of Environment and Natural Resources as well as the National Environmental Management Authority (NEMA) to adopt budget proposals on plastic waste management. Enclosed are KAM letters confirming the engagements and discussions marked as Annex 2. • Stakeholder consultation is a mandatory requirement in policy and legal framework formulation and implementation. • The following are a summary of laws in Kenya that obligate government agencies to conduct public participation. <ol style="list-style-type: none"> 1. The Constitution of Kenya, 2010 <ul style="list-style-type: none"> • The Constitution creates a people centered governance system which, inevitably places public participation at the heart of all proposed processes and decision making in Government. In addition, the national values and principles of governance in the country include participation of people. • In particular the following provisions apply; <ul style="list-style-type: none"> ➤ Article 69 (1) (d) provides that The State shall encourage public participation in the management, protection and conservation of the environment. ➤ Article 129 (1) and (2) Executive authority derives from the people of

Kenya and shall be exercised in accordance with this Constitution. The Executive authority shall be exercised in a manner compatible with the principle of service to the people of Kenya, and for their wellbeing and benefit.

➤ **Article 153 (4) (b)** which requires Cabinet Secretaries to act in accordance with the Constitution.

2. The Environmental Management and Co-Ordination Act, 1999

- **Section 3 (5) (a)** provides that the principle of public participation in the development of policies, plans and processes for the management of the environment will be considered to decide any judicial matter by the High Court. This emphasises the role of public participation.

- **Section 3 (5) (b)** provides that the cultural and social principle traditionally applied by any community in Kenya for the management of the environment or natural resources in so far as the same are relevant and are not repugnant to justice and morality or inconsistent with any written law;

3. The Statutory Instruments Act

- The Act applies to every statutory instrument made directly or indirectly under any Act of Parliament or other written legislation.

- The law requires regulation-making authorities to;

- (a) Undertake appropriate consultation before making statutory instruments;

- (b) Requiring high standards in the drafting of statutory instruments to promote their legal effectiveness, clarity and intelligibility to anticipated users.

- **Section 5 (1) of the Act**, before a regulation-making authority makes a statutory instrument, and in particular where the proposed statutory instrument is likely to—

- (a) have a direct, or a substantial indirect effect on business; or

- **Section 5 (2) of the Act**, provides that in determining whether any consultation

		<p>that was undertaken is appropriate, the regulation making authority shall have regard to any relevant matter, including the extent to which the consultation—</p> <p>(a) Drew on the knowledge of persons having expertise in fields relevant to the proposed statutory instrument; and</p> <p>(b) Ensured that persons likely to be affected by the proposed statutory instrument had Adequate opportunity to comment on its proposed content.</p>
2.	Loss of jobs and contribution to Economy	<ul style="list-style-type: none"> • The ban has a direct, indirect and substantial effect on business. Despite this, no public consultations were held with stakeholders or an impact analysis developed the relevant Government agencies. • Current statistics indicate the downward trajectory in the manufacturing sector over the last year in 2016. In addition, the country is suffering from widespread unemployment and there is need to protect employed workers. Therefore it is anticipated that the proposed ban which stands to affect all the sectors of manufacturing will greatly affect the growth and inevitably the economic growth. • Estimates confirm that there are 176 plastic manufacturing companies all around Kenya (3.4% of all manufacturers). The value of the plastic sectors investment is over 105 billion Kenya shillings. • The direct employment created by the plastic sector is over 2.89% Kenyan employees (approx. 60,000 employees). Indirect employment and dependents through retailers, wholesalers, recyclers, packers and outlets is over 1.2 million personnel nationwide. • The annual turnover is over 100 billion Kenya shillings. The country stands to lose this contribution to the economy and yet proper strategies can ensure that this is maintained and solutions to ensure a clean environment is realised.

		<ul style="list-style-type: none"> • Kenya exports and imports polythene materials in and out the region to countries such Sudan, Somalia, Congo, South Sudan, Ethiopia and Central Africa. • Kenya Is A Front Runner In Industrialization Compared To The Other Countries In The Region. Any interference with the plastic sector in terms of a prohibition would restrict the country's competitive edge within the EAC and in the region. The Sector foresees promising developments and great opportunities as a region, such as in the ongoing negotiations on the Free Trade Agreement (FTA) involving three Economic Communities (COMESA, EAC and SADC). The Agreement seeks to foster closer cooperation among the three Regional Economic Communities (RECs), with the ultimate goal of creating a single market encompassing 26 countries with a total GDP estimated at USD 624 billion.
3.	KAM Waste Management Proposals in 2016-2017	<ul style="list-style-type: none"> • KAM plastic sector developed proposals on waste management made to government agencies in 2015-2016 based on global best practices. The proposals are as follows; • Introduce the following waste management fiscal policy measures to be implemented by the environmental authorities: <ul style="list-style-type: none"> ➤ Removal of existing Excise Duty (120/= Kg on Shopping bags) due to inefficiency to address plastic waste management. ➤ Establish a fund known as "The Waste Management Board Levy", to be charged on all plastic at source (Point Of Entry) on CIF Value. The Monies collected from the Levy be placed in a specific fund managed as a public private partnership fund by Ministry of Environment, NEMA, private sector and civil society. • Such measures proposed by KAM have been adopted and implemented globally and the success in addressing plastic waste has been evidenced. • In Kenya, such a fund and public private partnership has been adopted. An

		<p>example is under the Fisheries Management and Development Act 2016. The Act has established the Fisheries Research and Development Fund as well as the Fish Levy Trust Fund.</p>
4.	Other key considerations	<ol style="list-style-type: none"> 1. The Government Environmental agencies have been indicated that they relied on a report carried out by the Kenya Institute of Public Policy and Research and Analysis (KIPPRA) and United Nations Environmental Programme (UNEP). The report was carried out done in 2005 and recommend imposing a minimum thickness on the standard of polythene which has been done; collaborations with key stakeholders in addressing plastic waste management through public private partnerships and imposition of a levy committee which named manufacturers. Unfortunately and despite the environment government agencies relying on the report, they have failed to implement the recommendations fully before opting for a total ban. Enclosed is an excerpt of the Report marked as Annex 3 known as the “selection, design and implementation of economic instruments in the solid waste management sector in Kenya; the case of plastic bags”. 2. Kenya is proposing a total plastic ban. The country among the first country to implement such a ban on commercial, household and plastic used in production. This will have a negative effect if no proper measures have been put in place. A country analysis is annexed to this document as Annex 4 showing the extent of policy and legislative decisions on plastic in select relevant countries. 3. Worldwide countries have realised the value of plastics. In fact, recycling of plastic has been the preferred measure to address plastic waste due to production of additional by products, job creation and in cases where plastic technology is used, production of fuel such as diesel. Currently in the country, there are businesses run by youth and non-governmental organisations that rely

on plastics. Enclosed and marked Annex 5 is a list of organisations who have written to KAM requesting their support to ensure that they continue to do their work.

4. Alternatives to plastic are paper, clothing, canvas, sisal and papyrus bags. The reason for use of plastic and its prevalence is because of its cost effective nature to consumers, sanitation guarantee, low energy use and low carbon footprint on the climate.

On the other hand, there are negative effects to alternatives such as paper packing which heavily relies on forest cover to sustain production and sanitation concerns; further for cotton, sisal and other materials, there is need for capacity to be built, allows time for investments be made, and incentives to be given in order to meet capacities of users.

5. The ban has not to date provided any clarity on the scope of the ban or its extent. This has left the industry with uncertainties which have a negative effect of investments. Plastic shopping bags and flat bags vary in types, sizes and materials. There exists plastic materials that are degradable and are already in use in the country.

6. The time period of six months proposed in the ban is clear demonstration that the relevant government agencies did not consult with industries or base their time period on factual data. This is especially due to an existing manufacturing sector which has made investments over years, has existing stocks and employs a high number of Kenyan citizens.

KAM PRAYERS TO THE COMMITTEE

Our prayers to this Committee are as follows;

1. Recommend suspension of the implementation of the Gazette notice based on the lack of public participation and the short timelines propped. The suspension will provide time for consultation for the country to strategize on sustainable solutions to ensure a clean environment.
2. Recommend amendment to the Environment management and coordination act, 199 to ensure inclusion of fiscal incentives such as the green levy fund KAM proposes, tax incentives on capital goods and tax rebates to industries promoting management and imposition of fines for littering in unlawful places among others; and
3. Recommend establishment of a waste management levy to be charged in place of the existing plastic levy, on all plastic raw materials and finished goods of the value equivalent to the products cost insurance and freight. The funds should be managed through a public private partnership by Government agencies who include, the Ministry of Environment and Natural Resources, National Environmental Management Authority and National Treasury as well as private sector and non-governmental organisations.



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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2nd July, 2007

Our Ref: NEMA/14/6 Vol. VII

Mr. Bimal Kantaria
Board Member
Kenya Association of Manufacturers (KAM)
NAIROBI.

Dear Sir,


**RE: MEMORANDUM OF AGREEMENT BETWEEN NEMA, KEBS AND KAM, ON
PLASTIC (GREEN) LEVY**

Above matter refers.

Enclosed herein, please find a copy of the duly signed Memorandum of Agreement, for your further action. As discussed, we will request our Minister to petition the Minister of Finance, to replace the 120% excise duty, with a plastic (green) levy, and will update you on the progress when we receive feedback on the same.

We thank you for your co-operation in this matter.

Yours faithfully,


DR. A. MUUSYA MWINZI
DIRECTOR GENERAL

ANA/cv.m

MEMORANDUM OF AGREEMENT
FOR THE PROPOSED
JOINT IMPLEMENTATION PLAN FOR THE SUSTAINABLE MANAGEMENT
OF PLASTIC WASTE IN KENYA

BETWEEN

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)
THE KENYA BUREAU OF STANDARDS (KEBS)

UNDER THE AUSPICES OF
THE MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES
THE MINISTRY OF TRADE AND INDUSTRY

AND
THE KENYA ASSOCIATION OF MANUFACTURERS (KAM)

1. BACKGROUND

- 1.1 **RECOGNISING** the mandate of NEMA in environmental management in Kenya, the Minister for Environment and Natural Resources, has gazetted waste management regulations aimed at addressing the problem of managing various wastes including plastic waste.
- 1.2 **FURTHER RECOGNISING** the mandate of KEBS in the promotion of standardisation in the promotion in industry and commerce, and the preparation, framing, modification and amending specification and codes of practice among others.
- 1.3 **NOTING THAT** the private sector has raised concerns about certain aspects of the impact of the excise duty contained in the Finance Bill, 2007, Kenya Gazette Supplement No. 60 (Bills No. 26) (hereinafter Finance Bill 2007), to the local industry which will result in unintended potentially negative socio-economic impacts.
- 1.4 **APPRECIATING** the role played by the Minister of Finance in the proposal to ban the manufacture and/or importation of plastic bags of 30 (thirty) microns or less and requiring the implementation of a 120% excise duty on all sacks and bags (including cones) of polymers of ethylene, other plastics and sacks and bags of a kind used for packing goods of polyethylene or polypropylene strip or the like vide the Finance Bill, 2007 which move is proposed as one of the tools in managing waste caused by such plastics.
- 1.5 **OBSERVING THAT** NEMA, KEBS, and KAM (collectively referred to as "the parties") agree that –
 - 1.5.1 there is need to address environmental issues, including plastic waste, in a sustainable manner;

1.5.2 the collection and disposal of plastic bags is a growing problem in Kenya; and that

1.5.3 the problem impacts particularly on low-income areas where refuse collection services are inadequate.

1.5.4 there is need to recognise that the plastic industry employs hundreds of Kenyans and that there is the need to also protect this local industry from sub-standard imports.

1.6 **OBSERVING FURTHER THAT** the parties are committed to taking a co-operative approach towards addressing environmental problems that face Kenya and furthermore reflects the spirit of collaborative partnerships and takes cognizance of the Finance Bill 2007 proposal on plastic sacks and bags, and that such an approach may be achieved through a joint implementation plan agreed upon by the parties herein.

1.7 **NOW THEREFORE,** NEMA, KEBS (under the auspices of the Ministry of Environment and Natural Resources and the Ministry of Trade and Industry respectively) and KAM have agreed to enter into this Memorandum of Agreement.

2. **OBJECTIVE OF THE MEMORANDUM OF AGREEMENT**

The aim of this Memorandum of Agreement is to demonstrate support to the proposal by the Minister for Finance to conserve the environment and offer a detailed implementation plan, which strikes a balance between industry, environmental conservation and sustainable development. It is envisaged that in order to achieve the objective of the Finance Bill 2007, it is proposed that a plastic levy (green levy) replaces the excise duty on sacks and bags of a plastic kind that is proposed under the Second Schedule of the Finance Bill 2007.

3. AGREEMENT

3.1 The purpose of this Memorandum of Agreement is to adopt an approach for addressing the negative impacts associated with the generation, use, collection, transportation and disposal of plastic bags which will optimise the impacts of the NEMA's regulatory efforts whilst minimising any negative social or economic impacts, especially those relating to workers, the poor, women and rural areas, in line with 'Kenya's Vision 2030'.

3.2 This Memorandum of Agreement further reflects the parties' commitment to a public-private partnership approach to the achievement of sustainable development, which includes social, economic and environmental goals. Sustainable development promotes environmental justice, which integrates environmental considerations with social, political and economic justice and development in addressing the needs of all communities, sectors and individuals.

4. SCOPE

Under this Memorandum of Agreement, a Joint Implementation Plan has been developed which outlines key areas of agreement, as a package, between the parties and outlines the different responsibilities and obligations of each party. Clauses 5-6 below amplify each of the key areas by detailing the approach to the content of the areas, the institutional arrangements for implementing the Agreement and the different roles and responsibilities.

4.1 The Joint Implementation Plan represents a sustainable planned process and sets out institutional responsibilities of each party, approaches to legal instruments, and undertakings to achieve these goals.

4.2 The Memorandum of Agreement applies to plastic waste management of sacks and bags (including cones) of polymers of ethylene, sacks and

bags of other plastics, and of a kind used for packing of goods of polyethylene or polypropylene strip or the like.

5. MINIMUM THICKNESS OF PLASTIC BAGS

5.1 The Kenya Standard KS 1794 currently provides that, inter alia, the manufacture, importation, trade and commercial distribution of plastic bags, for use in Kenya of a wall thickness of less than 20 microns is prohibited. A thickness of less than 30 microns will be prohibited from 1st January 2008 as gazetted by the Minister for Finance vide Finance Bill 2007. The minimum thickness of plastic bags and sacks is however, subject to future revisions of the relevant Kenyan Standard.

5.2 The parties agree that in order to implement the regulatory requirements regarding prescribed thickness and bag definition, the Kenya Standard number KS 1794 and/or any future relevant Kenya Standard will be applied, both to domestically produced plastic bags and sacks and imported plastic bags and sacks.

6 ESTABLISHMENT OF THE PLASTIC LEVY MANAGEMENT COMMITTEE (PLMC)

6.1 There shall be hereby established a Plastic Levy Management Committee created as a joint public-private partnership committee to enhance the management of plastic waste in Kenya.

6.2 A joint Plastic Levy Management Committee (PLMC) will be formed comprising of members from the public and private sector in line with the 'Policy Instruments for the Management of Plastic Bags in Nairobi' report produced by KIPPRA in March 2006.

6.7.1 To promote efficiency in the use, re-use, collection, recycling and disposal of plastic bags and sacks;

Mandate of the PLMC 6.7

6.6.2 The Committee shall prepare a Business Plan with timelines which will be presented to the Minister of Environment and Natural Resources for approval not later than six months after the establishment of the committee and thereafter annually for consideration by the Ministry of Finance in preparation of the annual National Budget. For the year 2007-8, a model plan has been attached as Appendix A to this document.

6.6.1 The committee will elect the Chairperson who will hold office for a maximum of one year. The position of Chair will rotate annually between the public and private sector committee members. The Committee shall report to the Minister of Environment annually.

Operations of the PMLC 6.6

6.5 The Committee will comprise of a maximum of 10 (ten) members.

6.4 The private sector representatives will comprise of one representative each from Kenya Association of Manufacturers, Federation of Kenya Employers, East African Business Council (Kenyan delegation) and Flower Council of Kenya

6.3 The public sector committee members will comprise of one representative each from Ministry of Environment and Natural Resources, Ministry of Trade and Industry, NEMA, KEBS, Ministry of Local Government and Ministry of Finance.

- 6.7.2 To collate information on other plastic bag recycling related information,
- 6.7.3 To receive plastics levy from all registered plastic bag manufacturers and importers through the Kenya Revenue Authority, and to administer the levy in pursuance of the objectives of the Committee;
- 6.7.4 To follow appropriate international trends in the enhanced recycling of plastic bags and apply them in Kenya as appropriate,
- 6.7.5 To explore opportunities for joint partnerships with civil society organisations to achieve the objectives of the Joint Implementation Plan.
- 6.7.6 To investigate and make recommendations to the Government in respect of the development of new markets for recycled material;
- 6.7.7 To support import compliance initiatives, where appropriate;
- 6.7.8 To ensure that collection points are established within convenient locations and to this end explore the possibility of co-operation with retailers and local authorities;
- 6.7.9 To facilitate national public education campaigns on responsible use and disposal of plastics.
- 6.7.10 To encourage recycling of plastics.
- 6.7.11 To facilitate the removal of plastic waste from the environment in line with existing waste management regulations in the country.
- 6.7.12 To ensure best-practices in recycling through public education programs, technical support and an award scheme;
- 6.7.13 To institute mechanisms of ensuring environmental responsibility by all entities in the plastic bag and sack value chain (production, distribution, retail, consumption, recycling and disposal);
- 6.7.14 To support the Proudly Kenyan initiative and other relevant initiatives; and
- 6.7.15 To pursue all of the objectives in a manner that demonstrates the parties' commitment to sustainable development.

7 PREVENTION OF ILLEGAL IMPORTS

- 7.1 NEMA, in collaboration with KEBS, agrees to implement such legislative and other measures as are required so as to ensure that importers of plastic bags and sacks, comply with the provisions of this Joint Plan of Implementation and any regulations that may be promulgated, including but not confined to the imposition of any special duties as are necessary for the equal protection of domestic producers of plastic bags and sacks.

8. LEGISLATION

- 8.1 NEMA, in collaboration with other government departments will draft and promulgate or amend regulations as the case may be, so as to give legislative effect to the terms of this Joint Implementation Plan, as appropriate. Provided that NEMA shall prior to the promulgation of such regulations, consult with the parties and other relevant stakeholders to this agreement on the terms and content of such regulations through the Plastic Levy Management Committee referred to in 6 above.

9 GENERAL

- 9.1 This Agreement constitutes the entire agreement between the parties subject to agreed modification in writing by all parties.
- 9.2 The Agreement shall commence upon signature of the same by all parties and shall be reviewed every two years thereafter. The parties undertake to act speedily to ensure that this Memorandum of Agreement is executed in order that the Joint Implementation Plan can come into effect and will be in force for a minimum of 5 years. This Agreement may be terminated for any reason whatsoever, provided that reasonable notice of not less than 1 (one) month shall be given prior to such termination.

9.3 Should any of the pre-requisites be delayed for reasons beyond the parties' control, the agreed timeframe will be adjusted accordingly.

10 DEFINITIONS

10.1 The Joint Implementation Plan covers plastic bags and sacks (including cones) of polymers of ethylene, other plastics and sacks and bags of a kind used for packing goods of polyethylene or polypropylene strip or the like both domestically produced and imported, for use within the Republic of Kenya.

IN WITNESS WHEREOF, the parties, each acting through its duly authorized representative, have signed this Memorandum of Agreement

SIGNED BY: THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

.....
DIRECTOR GENERAL DATE

SIGNED BY: THE KENYA BUREAU OF STANDARDS

.....
MANAGING DIRECTOR DATE

SIGNED BY: THE KENYA ASSOCIATION OF MANUFACTURERS

.....
CHIEF EXECUTIVE OFFICER DATE

Annexure A

**IMPLEMENTATION PLAN FOR SUSTAINABLE ENVIRONMENTAL
MANAGEMENT OF PLASTIC WASTE 2007-8**

A	Recycling and Disposal of Plastics Wastes	<i>Budget</i>	<i>Responsibilities/Actions</i>
1.	Establish a Plastics Management Levy Committee (PMLC)		NEMA
	<ul style="list-style-type: none"> • Establish a Plastics Management Levy Committee 	900,000	
	<ul style="list-style-type: none"> • Set up a secretariat for the committee 	500,000	
	<ul style="list-style-type: none"> • Facilitate the levy committee 	1,000,000	
2.	Coordinate establishment of a Plastics Recycling Association		NEMA/KAM
	<ul style="list-style-type: none"> • Identify the plastics recycling industries 	500,000	
	<ul style="list-style-type: none"> • Carry out a needs assessment of these industries 	1,000,000	
	<ul style="list-style-type: none"> • Identify and quantify sector incentives 	300,000	
	<ul style="list-style-type: none"> • Facilitate the industries to enhance their recycling capacity (equipment and training) 	20,000,000	
	<ul style="list-style-type: none"> • Establish a marketing strategy for their products 	500,000	
3.	Collect all the plastics waste already in the environment		NEMA/Local Government/CSOs
	<ul style="list-style-type: none"> • Organize individuals and CSOs to collect the plastics wastes 	500,000	
	<ul style="list-style-type: none"> • Facilitate individuals and CSOs to collect the plastics wastes 	20,000,000	
	<ul style="list-style-type: none"> • Establish collection centers in major urban centers 	10,000,000	
	<ul style="list-style-type: none"> • Provide plastic waste cleaning facilities 	10,000,000	
	<ul style="list-style-type: none"> • Facilitate disposal of non-recyclable plastics by other methods (incineration) 	10,000,000	
4.	Establish plastics waste collection system		NEMA/Local Authorities
	<ul style="list-style-type: none"> • Identify the major plastics consumers urban centers 	500,000	
	<ul style="list-style-type: none"> • Establish plastic waste collection networks 	300,000	
	<ul style="list-style-type: none"> • Provide plastics shredders for volume reduction 	30,000,000	
	<ul style="list-style-type: none"> • Provide storage facilities 	300,000	
	<ul style="list-style-type: none"> • Provide transport vehicles 	10,000,000	
	<ul style="list-style-type: none"> • Provide communication facilities (telephone) 	300,000	
5.	Establish waste disposal sites		NEMA/Local Government
	<ul style="list-style-type: none"> • Train waste handlers on waste segregation 	500,000	
	<ul style="list-style-type: none"> • Promote segregation of plastics from the main 	500,000	

	waste stream		
	<ul style="list-style-type: none"> Facilitate the waste handlers in order to enhance segregation 	1,000,000	
	<ul style="list-style-type: none"> Establish appropriate waste disposal site for the segregated waste 	30,000,000	
	<ul style="list-style-type: none"> Provide management of the waste disposal site 	2,000,000	
6.	Enforcement of the Standard		NEMA/KEBS
	<ul style="list-style-type: none"> Identify teams of enforcement officers 	0	
	<ul style="list-style-type: none"> Train the teams on plastics issues 	500,000	
	<ul style="list-style-type: none"> Facilitate the teams with appropriate equipment 	500,000	
	<ul style="list-style-type: none"> Provide transport for the teams 	6,000,000	
7.	Monitoring of compliance with the standard		KEBS/NEMA
	<ul style="list-style-type: none"> Identify teams of inspectors 	0	
	<ul style="list-style-type: none"> Train the inspectors on plastics issues 	500,000	
	<ul style="list-style-type: none"> Provide transport for the inspectors 	6,000,000	
	<ul style="list-style-type: none"> Calibration and testing equipment 	4,000,000	
B	Media and public awareness campaign for the plastics levy		NEMA/KAM/KEBS
1.	Continuous outreach meetings to sensitize consumers on waste separation at source	81,000,000	One meeting per PEC/DEC
2.	Development, Production and dissemination of awareness materials <ul style="list-style-type: none"> Codes of practice Educational materials 	5,000,000	To be distributed country wide
3.	Production of media publicity materials	6,000,000	
4.	Production and development of advertisement creatives	3,000,000	
5.	Media placement for the year	19,000,000	
6.	Public education campaign launch – national and regional	1,500,000	
7.	Material dissemination	2,000,000	
8.	Annual radio educational programs	6,000,000	
9.	Annual TV primetime advertisement on thematic issues	7,000,000	
10.	Design and production of a media kit	150,000	
11.	Media workshops for journalists & editors	200,000	
12.	Media tours to selected sites to demonstrate success in recovery and disposal	1,500,000	
13.	Award scheme to media and CBOs industry	1,800,000	
14.	Consultancy and professional fees	2,500,000	
15.	Bill Boards advertising	20,000,000	
Grand Total		314,750,000	

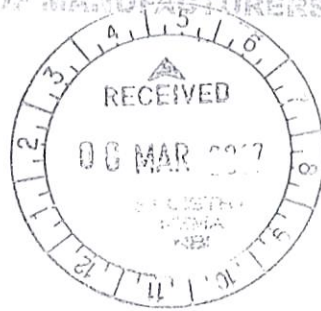




INSPIRING GLOBAL COMPETITIVENESS
KENYA ASSOCIATION
OF MANUFACTURERS

Our Ref: KAM/12/60/mb/PW

1st March, 2017



The Director General
National Environment Management Authority – Kenya (NEMA)
P.O. BOX 67839-00200
NAIROBI

Dear Prof. Geoffrey Wahungu,

RE: REQUEST FOR A MEETING TO DISCUSS WASTE MANAGEMENT MEASURES ON PLASTIC


Kenya Association of Manufacturers (KAM) presents her compliments on behalf of its members and appreciates your continued support.

Reference is made to the meeting held with the Cabinet Secretary of Environment and Natural Resources, Hon. Ms. Judy Wakhungu on 28th February 2017. The purpose of the meeting was to discuss industry proposals on waste management relating to plastics. The meeting resolved that KAM consults with your office and develops proposal on waste management for consideration by her office and the National Treasury.

The purpose of this letter is to kindly request that you give direction on this issue through nominating your technical team who can work with KAM to develop the proposals. We propose to meet on 9th March 2017 at our offices at 9:00 am or any other venue or time convenient to you.

Your early response will be highly appreciated. For feedback or any inquiries, please contact me at ceo@kam.co.ke or call +254 722 201368/ 0706612384.

Yours Faithfully,


Phyllis Wakiaga
Chief Executive

CC: Hon. Judy Wakhungu
Cabinet Secretary
Ministry of Environment and Natural Resources
NAIROBI

KAM/10/07/mb/pb/PW/2017

15th March 2017

Ms. Judi Wakhungu
Cabinet Secretary
Ministry of Environment and Natural Resources
P.O BOX 30126-00100
Nairobi, Kenya

Dear Hon. Ms. Judi Wakhungu,

**RE: REQUEST FOR AN URGENT MEETING WITH THE PLASTICS SECTOR
ON THE PROPOSED BAN ON PLASTIC SHOPPING BAGS**

Reference is made to the Kenya gazette no. 2356 imposing a ban on plastic shopping bags.

The Kenya Association of Manufacturers (KAM) has an existing plastic sector. The Sector is estimated to have over 176 industries which directly employ 2.89% of all Kenyan employees and indirectly employ over 60,000 people. The Country through the Kenya Industrial Transformation Programme (KITP), has undertaken to cause industrial transformation in Kenya with a view to create more than 1 million jobs and spur the expansion of manufacturing sector from the current 10.3 per cent share of gross domestic product (GDP) to 15 per cent by 2025.

As you are aware, for any directive to be made that has a direct or indirect substantial effect on business, the Ministry has to carry out adequate consultations with the relevant stakeholders. We are concerned that the lack of adequate consultations will lead to the ban having far reaching negative economic and social implications to the country. It is on this basis that we seek to have a meeting with you to discuss this issues and our concerns on the implications of the ban.

The purpose of this letter is to request for an urgent meeting with you to discuss the plastic industry position on the ban. We propose to meet on the 20th March 2017 at your offices or on a suitable date and time to be advised by yourselves.

Any advance feedback can be sent through our physical address stated herein and through email at ceo@kam.co.ke or call +254 20 2324817/8.

We look forward to your urgent response.

Yours sincerely,

Phyllis Wakiaga
Chief Executive

Cc.

Mr. Adan Mohamed, EGH,
Cabinet Secretary
Ministry of Industry, Trade and Cooperatives
NSSF Building
Nairobi, Kenya

Mrs. Phyllis Kandie,
Cabinet Secretary for East African Affairs, Commerce and Tourism,
State Department of EAC Affairs,
16th Floor, Co-op Bank House,
Haile Selassie Avenue
P.O. Box 8846 - 00200
Nairobi, Kenya



Inspiring global competitiveness

KENYA ASSOCIATION
OF MANUFACTURERS

KAM/10/07/mb/PW/2017

03rd April 2017

Hon. Judi Wakhungu
Cabinet Secretary
Ministry of Environment and Natural Resources
P.O BOX 30126-00100
Nairobi, Kenya

Dear Hon. Ms. Judi Wakhungu,

RE: REQUEST FOR A FURTHER URGENT MEETING ON THE PROPOSED BAN ON PLASTIC BAGS

Reference is made to our correspondence dated 15th March 2017 (copy enclosed) and the meeting held on Friday 24th February, 2017 at your offices between KAM, National Environmental Management Authority (NEMA) and United Nations Environmental Programme (UNEP) representatives.

Our referenced letter sought to request for a meeting with you to discuss our concerns on the process of development of the ban and the implications of its provisions to the entire manufacturing industry. This was in full recognition of the Ministry's mandate on this issue. Unfortunately, upon arrival for the meeting, we were informed of your unavailability or your representatives and referred to meet with NEMA and UNEP. Inevitably, the meeting with NEMA and UNEP recognised the limitations to discuss our said concerns due to NEMA's limited advisory mandate in the matter. As a way forward from the discussions, we agreed to further request for a meeting between ourselves and your office. Nevertheless, the meeting in our view was fruitful and served to further highlight our concerns to NEMA and the evident uncertainties in the industry on the ban.

The purpose of this letter is to therefore request for a meeting with you in person to discuss the industry concerns on the ban. Due to interest of time we request that the meeting is granted on a priority basis since time is of essence on this particular issue and also due to the uncertainty prevailing in the industry and investment spheres.

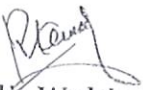
We propose to meet on the 18th April 2017 at your offices or on a suitable date, venue and time to be advised by yourselves. Any feedback can be sent through our

physical address stated herein and a copy of the same through email at ceo@kam.co.ke or call +254 20 2324817/8.

We reiterate our commitment to support a sustainable environment for our Country as we continue to seek to be a hub of industrialisation globally.

We look forward to your urgent response on this matter.

Yours sincerely,


Phyllis Wakiaga
CHIEF EXECUTIVE

Cc.

1. Mr. Adan Mohamed, EGH,
Cabinet Secretary
Ministry of Industry, Trade and Cooperatives
NSSF Building
Nairobi, Kenya
2. Mrs. Phyllis Kandie,
Cabinet Secretary for East African Affairs, Commerce and Tourism,
State Department of EAC Affairs,
16th Floor, Co-op Bank House,
Haile Selassie Avenue
P.O. Box 8846 - 00200
Nairobi, Kenya

Kurozo Ant
05/4/17

Our Ref: KAM/12/60/mb/PW/2017

04th April, 2017

Professor Geoffrey Wahungu
National Environment Management
Authority - Kenya (NEMA)
P.O.BOX 67839-00200
Nairobi



Dear Prof., Geoffrey Wahungu

**RE: FOLLOW UP ON THE MEETING HELD BETWEEN KAM, NEMA AND UNEP
REPRESENTATIVES ON PLASTIC BAN**

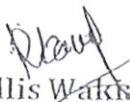
The Kenya Association of Manufacturers (KAM) presents her compliments on behalf of its members and we thank you for the continued support.

Reference is made to the meeting held on Friday 24th February, 2017 at the Ministry of Environment and Natural Resources offices between KAM, National Environmental Management Authority (NEMA) and United Nations Environmental Programme (UNEP) representatives.

The purpose of this letter is to request to be furnished with the minutes of the meeting for our confirmation as a true record of our discussion and to also assist us follow up on the action points agreed.

We thank you for the continued support and your early response will be highly appreciated.

Yours Faithfully,


Phyllis Wakhungu
CHIEF EXECUTIVE

CC;

1. Ms. Judi Wakhungu
Cabinet Secretary
Ministry of Environment and Natural Resources
P.O BOX 30126-00100
Nairobi, Kenya

KAM/10/07/mb/ml/PW/2017

4th May 2017

✓ Prof. Judi Wakhungu
Cabinet Secretary
Ministry of Environment and Natural Resources
P.O BOX 30126-00100
Nairobi, Kenya

Dear Prof. Wakhungu,

**RE: REQUEST FOR URGENT CONSULTATIONS ON THE IMPACT OF THE BAN ON
PLASTIC BAGS TO IMPORTS BY MANUFACTURERS**

Kenya Association of Manufacturers (KAM) presents her compliments to the Ministry of Environment and appreciates your continued support.

We would like to seek your urgent intervention and audience to provide guidance in regards to the implementation of Gazette Notice No. 2356. Manufacturers who package their products in plastics are being denied approval under the Pre- Export Verification of Conformity (PVOC) programme based on the plastic ban on the use and manufacture of plastic packaging for commercial use.

In particular, our concerns on this matter are as follows:

1. There is need for the Ministry to urgently clarify on the status of retroactive application by the ban. This concern has been brought into light, because the PVOC application cases by manufacturers which have now been declined had been pre-ordered before the introduction of the ban. As you are aware, manufacturers pre-order their raw materials or supplies in advance to ensure effective running of their operations.
2. The implementation of the ban by government agencies before the effective date is unlawful and should be addressed with urgency.
3. To date, there are still no official clarifications on the extent of the ban in regards to industrial packaging to the targeted stakeholders and government

implementation, hence the increasing concerns that are now being evidenced such as the matter herein.

The purpose of this letter is to request you to urgently provide clarification on our concerns and to the relevant government agencies, to address emerging issues on the ban. In addition, we request that your office prioritize addressing our concerns on the ban which we have communicated to your office and the National Environmental Management Authority (NEMA).

We request feedback on this matter be sent through our physical address and an advance copy through the email, ceo@kam.co.ke or call +254 20 2324817/8.

We look forward to your urgent response.

Yours Sincerely,


Phyllis Wakiaga
CHIEF EXECUTIVE

1. Mr. Charles Ongwae
Managing Director
Kenya Bureau of Standards
P.O BOX 54974-00200
NAIROBI
2. Prof. Geoffrey Wahungu
National Environment Management
Authority - Kenya (NEMA)
P.O.BOX 67839-00200
Nairobi



nema
nuzungu ya yetu / shia wetu / wetu wetu

MB

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

Telcom Wireless: 020-2183718, 020-2101370, 020-2103696
Mobile Line: 0724 253 398, 0723 363 010, 0735 013 046
Incident Line: 0786 101 100

P. O. Box 67839 - 00200
Popo Road, Nairobi, Kenya
Email: dgnema@nema.go.ke
Website: www.nema.go.ke

NEMA/5/39/Vol. I

25th April, 2017

Ms. Phyllis Wakiaga
Chief Executive
Kenya Association of Manufacturers (KAM)
P.O. Box 302255-00100
NAIROBI

Dear *Phyllis*

FOLLOW UP ON THE MEETING HELD BETWEEN KAM, NEMA AND UNEP REPRESENTATIVES ON PLASTIC BAN

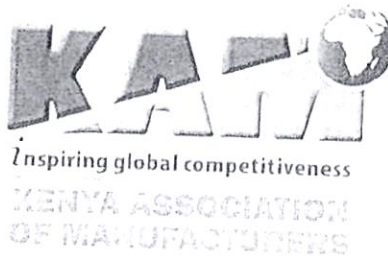
Reference is made to your letter No. KAM/12/60/mb/PW/2017 dated 4th April, 2017 on the above subject matter.

This is to inform you that the Chair for the said meeting held on Friday 24th February, 2017 at the Ministry of Environment and Natural Resources was provided by the Cabinet Secretary. Kindly request them to furnish you with the minutes of the same for record purposes and follow up.

Yours *Sincerely*

PROF. GEOFFREY WAHUNGU
DIRECTOR GENERAL





A SUMMARY OF IMPACT OF PLASTIC BAG TO MANUFACTURERS

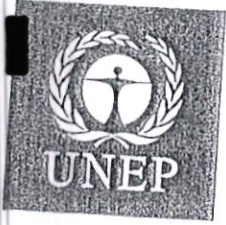
1.0 INTRODUCTION

- The scope of the ban extends to plastic shopping bags and flat bags.
- All manufacturers utilise flat bags through importing, in the production assembly line and in packaging.
- Export will be impacted negatively since the highest earners such as Tea manufacturers will be affected.

2.0 SUMMARY OF PLASTIC USE BY MANUFACTURERS

Sector	Product manufactured/packaged/affected Product
All sectors	<ul style="list-style-type: none"> • Packaging of manufactured goods • There are currently no viable alternatives to plastic packaging for finished manufactured goods. Available alternatives to plastics are expensive and impractical. • Cost of Packaging will increase due to high cost to invest in alternatives and machines.
Plastic Bags Manufacturers	<ul style="list-style-type: none"> • Manufacturer both plastic shopping bags and plastic flat bags. • Plastic shopping bags are used primarily by retailers and market businesses. • Flat bags are used by manufacturers in production processes.
Food sector	<ul style="list-style-type: none"> • Packaging of baked food such as bread, meat products. • Use plastic flat bags to package vegetables for domestic and export use.
Horticultural Industry - Vegetables	<ul style="list-style-type: none"> • Assorted Vegetables for Export • Loss of revenue/Loss of markets with strict specifications/Loss of jobs/ negative impact on economy.
Horticultural Industry - Floriculture	<ul style="list-style-type: none"> • Possibly Flowers for Export (If raw material for flower sleeves manufacture is affected)

	<ul style="list-style-type: none"> • Loss of revenue/Loss of markets with strict specifications/Loss of jobs/ negative impact on economy
Tea producers and manufacturers	<ul style="list-style-type: none"> • Instant/Aroma Teas for Export • Black Tea for Export & local consumption • Use plastic flat bags for planting seedlings. • Import plastic flat bags for production and packing to export. • Source plastic bags from United Kingdom and local manufacturers. • Increased production costs/ Loss of revenue/Loss of markets requiring specifics/Introduction of alternative packaging e.g paper sack derivatives.
Textiles and Clothing	<ul style="list-style-type: none"> • Packaging garments for sale in retail market and to corporate customers. • No viable alternative known. Product collects dust on shelves. Plastic bags protect product during transport and while on display on shelves.
Energy -electrical cables and conductors	<ul style="list-style-type: none"> • Plastic sheet covering raw material (copper and aluminium coils); Plastic woven bags with PVC granules; plastic pvc films used to wrap coils of house wires etc. • Cost of developing packaging in the short term cannot be less than twelve months for the industry.



Selection, Design and Implementation
of Economic Instruments in the Solid
Waste Management Sector in Kenya

The Case of Plastic Bags

Foreword



This thoughtful and comprehensive report on the problems and possible solutions to Kenya's and particularly Nairobi's waste problems was recently launched to keen public and media interest during UNEP's 23rd Session of the Governing Council held in Nairobi in February 2005. The study looks at the rising mountain of solid waste generated in Kenya's capital and, using UNEP guidelines, investigates the use of economic instruments for solid waste management. Economic instruments are increasingly being recognized as a viable solution to many environmental problems. They can provide the incentive to change behaviour and generate income to support more environmentally friendly ways of dealing with pollution.

After a broad overview of the problem of solid waste management in general, the report focuses on a specific problem of critical concern to the population of Nairobi – the scourge of plastic shopping bags that litter the city – and develops an integrated environmental policy package to address the problem. The findings and conclusions of the report point to the need to adopt a range of strategies when designing environmental policy that include a harmonious balance of economic instruments, command and control measures and voluntary initiatives. Accordingly, a seven point strategy is recommended, to be introduced over a two to three year period and implemented by a new body to be known as the Plastics Levy Management Committee (PLMC).

The policy proposals start with a total ban on flimsy plastic bags less than 30 microns thick and the application of a levy or tax on the thicker ones. The levy would then be earmarked to support a range of other measures such as public awareness campaigns, recycling schemes and the development of environmentally friendly alternative bags such as cotton or sisal. A pilot implementation plan has been outlined in the report and I understand from the Kenyan Government that there is real political will to now take these proposals forward. Addressing the problem of plastic bags in Nairobi can be the start, the test bed to what I hope will be wide ranging and creative action to cut pollution and stimulate new, modern businesses and jobs in Nairobi and elsewhere.

A handwritten signature in black ink, which appears to read 'Klaus Töpfer'. The signature is written in a cursive style with some loops and a long horizontal stroke at the end.

Klaus Töpfer
Executive Director
United Nations Environment Programme
March 2005

Acknowledgements

The inspiration and energy for the project came from the then Permanent Secretary of the Ministry of Environment and Natural Resources in the Republic of Kenya, Ambassador Francis Muthaura (currently Head of the Public Service and Secretary to the Cabinet), and Hussein Abaza from the Economics and Trade Branch (ETB) of UNEP.

Naftali Ndugire at the National Environmental Management Authority (NEMA) was the project leader. Team members included Bernard K'Omudho, Francis Kihumba, Joyce C. Onyango, Michael Okoth and Julia Magambo. The National Steering Committee established to guide the project included representatives from the Ministry of Industry, Trade and Tourism; Ministry of Finance and Planning; Ministry of Environment and Natural Resources; Nairobi City Council; National Chamber of Commerce and Industry; University of Nairobi; The World Conservation Union (IUCN); and other co-opted stakeholders. Moses Ikiara and Clive Mutunga from the Kenya Institute for Public Policy Research and Analysis (KIPPRA) reworked the final report and developed the case study on the selection and design of economic instruments for plastics waste management. We would also like to acknowledge the industry participants who participated in the stakeholder workshops and provided information through interviews and other forums.

At UNEP, the project was initiated and supervised by Hussein Abaza. Anja von Moltke coordinated and provided technical support to the project. The UNEP Working Group on Economic Instruments provided substantial guidance throughout the project. Special thanks here go to Veena Jha, Theodore Panayotou and Konrad von Moltke. Desta Mebratu from the Regional Office for Africa also provided invaluable comments. Andrea Smith edited the final report, with the assistance of Kenneth Chulley. Desiree Leon processed the report for publication and administrative support was provided by Rahila Mughal.

6. Pilot project to implement proposed policy package

The analysis in the preceding chapter recommended the option of implementing the seven instruments proposed gradually. The final proposal now needs to be again presented for stakeholder discussion and debate before the final choice is made. Once the final consensus has been reached, the institution responsible for implementation of the policy package will market it to the wider public, explaining why the package was chosen, how it will be implemented in a fair, efficient and transparent manner, and the expected benefits, among others.

6.1 Implementation plan

Proper implementation of the chosen policy package, and therefore its impact, will depend strongly on the institutional set up considering the operational weaknesses of the Nairobi City Council, and also on the quality of monitoring and evaluation. Currently, a committee to oversee implementation of the roadmap is already in place and a Kenyan Standard (KS-1794) for polythene bags has been approved. The committee has set up a contributory fund to raise resources for awareness creation and public campaigns against littering and improper disposal of plastics.

Institutional set up

The pilot project should be managed by a Plastics Levy Management Committee (PLMC), constituted and chaired by the National Environmental Management Authority (NEMA). Building on the consultative stakeholder committee established by NEMA, the PLMC should have representation of all the relevant stakeholders without it being too large to discharge its responsibility cost-effectively. The existing committee has the following membership:

- NEMA
- Ministry of Environment and Natural Resources
- Ministry of Local Government
- Ministry of Trade and Industry
- Kenya Association of Manufacturers (KAM)
- KAM's Plastics Sector Group
- Plastics wholesalers and retailers
- Plastics consumers

To make the PLMC, the consultative stakeholder committee should be expanded to include also:

- Ministry of Finance
- Kenya Revenue Authority (KRA)
- Nairobi City Council (NCC)
- Kenya National Chamber of Commerce and Industry (KNCCI)
- Federation of Kenyan Employers (FKE)
- KAM's Textiles Sector Group
- We Can Do It (the umbrella association of residential associations)
- Nairobi Central Business District Association (NCBDA)
- Kenya Bureau of Standards (KBS)
- Kenya Cotton Ginners Association (KCGA)
- Kenya Industrial Research and Development Institute (KIRDI)

The PLMC should be established by law to give it credibility and power, and its function should be to ensure that the plastics levy is collected and the resulting revenue allocated to the earmarked activities, which include:

- Development of alternatives to the plastic shopping bags and in particular a cotton/sisal shopping bag
- Development of a plastic recycling system and related infrastructure
- Contribution to the development of a well-managed plastics disposal system
- Data collection and, in general, monitoring and evaluation of the pilot project
- Public awareness and anti-littering campaigns on the use of plastic shopping bags and regarding the operations and benefits of the levy, including how one could avoid it
- Operations of the PLMC
- Other priority programmes decided upon by the PLMC.

To discharge its responsibility, the committee should utilize contracts, memorandums of understanding (MOUs) and other forms of engagement with other actors. Thus, the committee should contract the Kenya Revenue Authority (KRA) to collect the levy on its behalf. The KRA has the required capacity and experience and is highly efficient. The Authority, moreover, accepts such contracts. For example, it recently entered into an agreement with the Nairobi City Council and Mombasa City Council to collect for the councils land rates, at a collection of 1.5 per cent of the amount collected. Since the collection of the plastics levy will be much easier than land rates, the PLMC can negotiate for a lower collection fee.

In the design and production of the cotton/sisal bag, moreover, the committee should sign an MOU with KIRDI for the latter to research and design the most convenient and cost-effective prototype. This will serve to identify the level of subsidy, if any, that commercial producers of the bags will require. Subsequently, PLMC will make arrangements with the private sector on the modalities of commercial production of the bags.

While the operations of the PLMC will be funded from the levy, in the initial period of establishment the PLMC will require funding from the government and/or donors.

Flanking measures

Implementation of either of the two options is likely to have adverse impact especially on producers of thin plastics and plastic carrier bags in general. A flanking measure that should be considered is to aid them, using the levy, to participate in the manufacture of recycled plastic bags and multiple use plastic bags. An additional measure is to set a reasonable period within which producers of the thin plastic bags have to stop the activity. Such a period should not be longer than a year, however, considering the tendency of agents to wait until the last minute to comply with regulations. Exempting informal market outlets from the requirement to provide evidence, through shopping receipts, of passing over the levy on plastic bags to the consumers (shoppers) is another measure that can mitigate potential difficulties to this sector upon which the majority of the poor rely.

Monitoring and evaluation

Lack of data and information, and the fact that solid waste management problems and the baseline conditions keep changing over time, imply that a monitoring and evaluation system is critical for the successful implementation of the pilot project. In particular, the monitoring and evaluation system will enable the PLMC to gauge the reaction or responsiveness of the industry and shoppers to the levy and adjust it accordingly.

The PLMC will carry out research on consumer usage of plastic shopping bags while the policy is implemented and prepare a stakeholder-supported monitoring and evaluation log frame complete with measurable milestones and verifiable indicators including, but not limited to:

- Environmental effectiveness
- Economic efficiency
- Administration and compliance costs
- Revenues - adequacy, appropriateness of levy incidence and appropriateness of use
- Wider economic and social effects.

The PLMC will analyse the data after every six months to gauge responsiveness and for troubleshooting, and use the findings to make any required adjustments on the levy rate and/or operational procedures.

Potential impacts of implementing the policy package

Implementation of the policy package is expected to have considerable impact. First, reduced production and use of plastic bags will produce substantial environmental benefits. The nuisance associated with littering and all the other negative impacts of plastic bag waste will be lessened considerably. With the expected contribution to the improvement of the waste disposal system, moreover, implementation of the policy package will have benefits in terms of improvement in the overall operation of the solid waste management system in Nairobi. Ultimately, these improvements in environmental quality will contribute to improved economic performance through higher investments.

Second, reduction of the production of plastic bags will mean loss of jobs. However, this would be more than compensated for by employment in the natural fibre bag industry, the administration of a plastic bag levy, and in the recycling industry. In particular, while the production of plastic bags in the country is capital and import intensive, the manufacture of cotton bags will employ more workers for every bag produced, reduce reliance on imported inputs, and create strong forward linkages with cotton farming,

ginning, spinning and fabric manufacturing in general. The bags could even be exported to the US market through the preferential market access provided by the AGOA. The economies of scale created in the cotton-textile chain would, moreover, help the country to become more competitive internationally.

Once recycling infrastructure for plastics is put in place, many jobs will be created not only in the recycling factory itself but also in the collection of plastic bags already in the environment. There are many street children (and families) in Nairobi that draw their livelihood from waste picking. The recycling industry will provide a more stable market for their waste and thereby help to support livelihoods.

Third, learning from the pilot project will be used to introduce similar policy packages for the management of other solid wastes in Nairobi and the rest of the country.

Fourth, the introduction of an alternative bag will most likely raise the financial cost to the consumer. However, subsidizing the production of the alternative bag from revenue collected through the plastic bag levy would ensure that this increase is not excessive.

Fifth, administrative costs will increase on account of the establishment and operation of the PLMC and the actual levy collection effort by the KRA. Related to this, required purchase of alternative bags by customers may lead to increased theft and raise security cost for retailers and supermarkets. Experience from Ireland and other countries, however, have shown that such theft and security fears may be largely exaggerated. In any case, many retail outlets in Nairobi have put in place measures to deal with shoplifting.

Sixth, fears are often expressed that banning of some plastic bags and introduction of a levy on plastic shopping bags may lead to an increase in food contamination and food poisoning. The measure proposed in the pilot project to mitigate this, that is, providing for sale of plastic bags marked out for specific food types, has been used in Ireland successfully.

6.2 Summary and way forward

The process of selection, design and implementation of economic instruments to manage a selected solid waste management problem – plastic shopping bags in Nairobi – has reached a critical stage. Using UNEP's four-phase guidelines, this report has developed a comprehensive seven point policy package integrating both economic and regulatory (CAC) instruments. The report has outlined a clear implementation strategy, established strong links with relevant institutions and instituted an effective multi-stakeholder process. The policy package now requires general support and consensus from the larger stakeholder community in order to proceed with the implementation plan as a pilot project. A clear timeframe should be set based on the recommendation to introduce the package gradually over two to three years, and building on the stakeholder-negotiated roadmap.

Finally, this report can also be used as a case study or training tool for capacity building on the use of economic instruments for environmental management and as a model for designing similar environmental policy packages in Kenya as well as other developing countries.

References

- Arntzen, J.W. and Fidzani, N.H. (2000). "Human and Solid Waste Management in Urban Africa: A Case Study of Accra, Gaborone and Harare", in Rietbergen-McCracken and Abaza (eds.) *Economic Instruments for Environmental Management*, Earthscan Publications Ltd., London.
- Bartone, C.R. (1991). "Keys to Success: Private Delivery of Municipal Solid Waste Services". Infrastructure Notes, Urban No. UE-3, Transportation, Water and Urban Development Department, World Bank.
- Bartone, C.R. (1999). "Private Sector Participation in Municipal Solid Waste Management: Lessons from LAC". Notes for the Course on Urban and City Management, Toronto, May 2-14, 1999.
- EPHC (2002). "Plastic Shopping Bags in Australia", National Plastic Bags Working Group Report to the National Packing Covenant Council, Environment Protection and Heritage Council, Australia.
- Esho (1997). (cited in UNCHS "Chapter 5: Case Studies of Privatization of some Municipal Services").
- Fehily Timoney & Company (1999). "Consultancy Study on Plastic Bags", prepared for Department of the Environment and Local Government, Custom House, Dublin.
- Gatheru, W. and Shaw, R. (eds.) (1998). *Our Problems, Our Solutions: An Economic and Public Policy Agenda for Kenya*. Institute of Economic Affairs, Nairobi.
- IDB (2003). "Economic Instruments for Solid Waste Management: Global Review and Applications for Latin America and the Caribbean", Environment Network regional policy dialogue study series, Inter-American Development Bank, Washington DC.
- Ikiara M.M. (2002). "Access of Developing Country Urban Poor to Solid Waste Management (SWM) Services: Role and Potential of Public-Private Partnerships (PPPs)" Background Paper Prepared for The Micro Infrastructure Project: Infrastructure Service Entitlements and Urban Poverty in Kenya.
- Ikiara, M.M., Karanja, A.M. and Davies, T.C. (2004). "Collection, Transportation and Disposal of Urban Solid Waste in Nairobi", in Baud, I., Post, J. and Furedy, C. (eds.), *Solid Waste Management and Recycling: Actors, Partnerships and Policies in Hyderabad, India and Nairobi, Kenya*, Chapter 4, Kluwer Academic Publishers, Dordrecht, The Netherlands.
- ISWA (International Solid Waste Association) and UNEP (2002). *Waste Management: Industry as a partner for sustainable development*, ISWA and UNEP, United Kingdom.
- JICA (1998). "The Study on Solid Waste management in Nairobi City in the Republic of Kenya", Japan International Cooperation Agency.
- King, Kenneth (1996). *Jua Kali: Change & Development in an Informal Economy 1970-95*. East African Educational Publishers, Nairobi.
- Kwach, O.H. and Antoine, P. (2000), "Mukuru Recycling Centre", UNCHS (Habitat) Report, July 2000.

- Moyo, S.S. (1998). "Privatization of Municipal Services in East Africa". UNCHS.
- Muloi, A. and Bocka, C. (eds.). (1999). *Micro and Small Enterprises in Kenya: Agenda for Improving the Policy Environment*. The International Center for Economic Growth (ICEG), Nairobi.
- NCC (2001). "Policy on Private Sector Involvement in Solid Waste Management", Department of Environment, Nairobi City Council.
- NOLAN-ITU (2002). "Plastic Shopping Bags – Analysis of Levies and Environmental Impacts", Consultancy Report to Department of the Environment and Heritage, Environment Australia.
- Panayotou, T. (1998). *Instruments of Change*, Earthscan Publications Ltd., London.
- UNCHS (Undated). "Chapter 5: Case Studies of Privatization of some Municipal Services", Internet source.
- UNEP (2004). *The Use of Economic Instruments in Environmental Policy: Opportunities and Challenges*, Geneva.
- World Bank (1999). "What a Waste: Solid Waste Management in Asia". Urban Development Sector Unit, East Asia and Pacific Region, World Bank, Washington, D.C.

Appendix: Policy instruments applied around the world to tackle the plastic bags problem

Country	Instrument	Details	Outcome(s)
China	Charge system (EI)	A selection of supermarkets in Shanghai will charge shoppers for plastic bags from 2004 in an attempt to reduce waste.	This is expected to reduce the more than one million bags per day given away by the supermarkets-which either end up in landfills or blowing around the city as litter
Bangladesh	Ban (CAC)	A ban was put on production and distribution of plastic bags which had been the cause of blocked drains and severe floods	
Ireland	Earmarked charges (Levies) (EI)	The government has imposed a charge on all plastic shopping bags (of around 30 NZ cents per bag)	There have been reports of a (maintained) 97.5% reduction in plastic bag distribution. Consumers have accepted the change and are using a range of reusable bags offered by the supermarkets. The charge has generated approximately NZ\$ 5 million. This money will be channelled into a fund to promote waste management and environmental initiatives
South Africa	Charges (EI)	A charge has been imposed on plastic bags, which have assumed a new identity as the 'national flower' as a result of many getting caught up in trees and fences.	
Australia	Voluntary agreements (EI)	Environment ministers have challenged retailers to voluntarily reduce the 6.9 billion bags used each year	
	Bans (CAC)	In Coles Bay, Tasmania, plastic bags have been banned altogether and residents are being provided with alternatives such as 'calico' bags.	
India	Bans (CAC)	The northern state of Himachal Pradesh has implemented a total ban on plastic bags' production, storage, use, sale and distribution. Penalties are severe (include up to seven years in jail or a fine of up to 100,000 Rupees).	
		In Mumbai, the Council banned plastic bags. Market traders now hand out recycled paper bags	
		In the state of Tamil Nadu, a Bill to ban non-recyclable plastic from being sold, stored, transported and used was introduced to the state government for approval	
	Public information campaigns (EI)	The pollution control board of the same state is also educating the public on the dangers of improper disposal and the advantages of alternatives, using bus advertisements, exhibitions and media campaigns.	
		In Panaji, Goa, a community campaign involves donating old newspapers and magazines by individuals to local charitable organizations. These newspapers are cut into paper-bags of various sizes and sold to volunteering shops or pharmacies to reduce the use of plastic bags. Income generated from these bags is in turn helping the charity organizations to buy the much needed provisions and medicines.	

Selection, Design and Implementation of Economic Instruments in the Solid Waste Management Sector in Kenya

Country	Instrument	Details	Outcome(s)
New Zealand	Introduction of cleaner alternatives	A consortium of organizations is importing the 'Green Bag' to provide an alternative to plastic bags to consumers. Leading retailers are introducing reusable shopping bags, such as cotton bags, for sale.	
	Public information campaigns	The 'Say No to Plastic Bags' campaign has been launched in Christchurch, South Island to raise awareness on issues associated with plastic bags. It has been encouraging the supermarkets to stock alternatives to plastic bags such as jute bags.	
	Recycling	Christchurch City Council collects plastic shopping bags for recycling through a process called thermo-fusion, which turns the bags into durable plastic planks suitable for boxing, pallets and fenceposts.	
Italy	Pollution taxes (EI)	In 1989, Italy introduced a tax on plastic bags. The new tax sought to have the price of bags better reflect the cost that they imposed onto society and the environment. By levying a tax of 100 lira per plastic bag on importers or producers, the Italian government created a new signal to the market—the cost of plastic bags was now greater compared to alternatives. The tax was about five times as great as the manufacturing cost per bag.	From 1989 to 1992, the government collected over 250 billion lira (around \$150 million) through this tax.
Hong Kong	Public information campaigns- (EI)	'Use Fewer Plastic Bags' campaign was launched with an initial target of reducing use by 10%. More than 1500 retail outlets agreed to take part in the drive and devised action plans to achieve the target.	The campaign was a resounding success. In the 1 st year, more than 30% of the participating retailers achieved or surpassed the 10% reduction target, leading to an overall reduction of more than 35 million plastic bags.
Taiwan	Bans (CAC)	Taiwan is moving towards banning the free distribution of plastic bags	
Singapore	Public information campaigns- (EI)	The government of Singapore is launching a campaign to discourage the use of plastic bags	
Canada	Recycling	Almost all of the big grocery chain stores accept bags for recycling. The average household produces 8.88 kilograms of plastic bags per year. 2.46% of the total waste stream consists of plastic bags and locally 44.93% of all plastic bags produced are recovered	
United States of America	Product/technology/Performance standards (EI)	California passed a law that required plastic trash bags (manufactured for waste disposal rather than shopping) to be made up of a minimum of 30% recycled content. California's requirement changed requiring plastic trash bag manufacturers to comply with one of the following two options: ensure that its plastic trash bags intended for sale in the state contain a quantity of recycled post-consumer plastic equal to at least 10% of the weight of the regulated bags; or ensure that at least 30% of the weight of the material used in all of its plastic products intended for sale in the state is recycled post-consumer plastic.	



Inspiring global competitiveness

KENYA ASSOCIATION
OF MANUFACTURERS

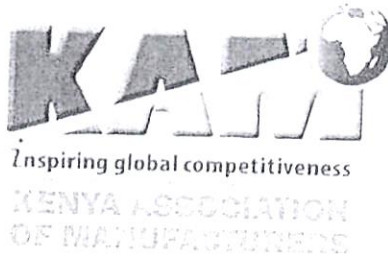
COUNTRY ANALYSIS OF PLASTIC BAN BANS

1.0 INTRODUCTION

- A total of 10 countries have imposed total bans worldwide. Kenya would be the 11th Country if the ban comes into effect.
- The bans in place by countries are imposed bans on plastic shopping bags where alternatives are available.

2.0 COUNTRY ANALYSIS OF PLASTICS BAG

Country	Policy/Directive in place to manage plastics
Rwanda	<ul style="list-style-type: none"> • Ban on shopping bags and manufacture. • Imports are allowed for Plastic bags used for packaging food and household use.
South Africa	<ul style="list-style-type: none"> • Imposed a total plastic ban which was lifted due to its importance for household use, creation of jobs and non-availability of alternatives. • Waste management measures adopted such as recycling.
Uganda	<ul style="list-style-type: none"> • Imposed a total plastic ban on manufacturer of plastic but was lifted in March 2017. • Adopted waste management measures where each user, manufacturer of plastic must demonstrate role played in controlling waste.
Botswana	<ul style="list-style-type: none"> • Botswana introduced a levy on plastic shopping bags that became effective in 2007. • Retailers are charging a fee on plastic bags and consequently a reduction in plastic bag use.
China	<ul style="list-style-type: none"> • The ban in China is twofold; a strict ban on super-thin plastic bags, those thinner than 0.025 millimetres; and charging for bags that do not meet national standards. • There are regulations for the recycling of reusable resources, including plastic bags, which set minimum standards for recycling firms.
Northern Ireland	<ul style="list-style-type: none"> • Imposed a levy on all new carrier bags with a retail price below 20p regardless of whether they are single use or reusable. • The levy applies to carrier bags of all materials - it's not just plastic bags. • Retailers set the price of their bags which means that prices may vary. • Only the proceeds of the 5p levy are paid to the Department of Agriculture, Environment and Rural Affairs (DAERA) to support waste management.
Morocco	<ul style="list-style-type: none"> • Morocco started the enforcement of a ban on plastic bags in 2015. • The country is ranked as the largest consumer of plastic bags in Africa and the second in the world after the US, with consumption of some 26 billion plastic bags (900 bags per capita) annually. • The law bans nationwide production, import, sale and distribution of plastic bags.



CONCERNED STAKEHOLDERS PETITIONING KAM ON PLASTIC BAG BAN

1.0 INTRODUCTION

The Kenya Association of Manufacturers has received please from members of the public on the ban to intervene on their behalf. This evidently shows that due to the lack of consultation on the ban, consideration of their views was not taken into account.

2.0 SUMMARY OF PLASTIC USE BY MANUFACTURERS

Below are a list of stakeholders who have petitioned the organisation to advocate for consultation on the ban in order to reach an amicable solution to address plastic waste management in the country:

1.	Mr. Michael Stephen Oxo bio degradable plastics industry	<ul style="list-style-type: none"> Engages in Bio degradable bags of compostable nature and oxo- biodegradable.
2.	Naavec project cleaners	<ul style="list-style-type: none"> Run a projects to clean up environment especially plastic waste. Cite failure of government to initiate proper waste handling as the major cause of the problem with waste.
3.	Mr. Michael Kojo Otieno on behalf of Vendors, Shoppers and Fish Mongers.	<ul style="list-style-type: none"> Wrote to the Cabinet Secretary of Environment and natural resources under Article 35 of the Constitution requesting for reports and feasibility studies conducted on the ban; minutes of any public participation carried out; and an affordable alternative for vendors, shoppers and fish mongers.
4.	Pee poole Kenya Registered NGO	<ul style="list-style-type: none"> Import and distribute Peepoo a personal single use, self-sanitising, fully bio degradable toilet made of bio plastic that meets EU standards. The organisation operates in the slums especially in Kibera and supports children in among 50 schools.
5.	Destiny Africa	<ul style="list-style-type: none"> Implements a project from polytehnes to

		<p>plastic which develops plastic posts from plastic waste.</p> <ul style="list-style-type: none"> • Disappointed with Governments lack of creative solutions for the country. And garbage management by Counties.
	Mr. Jared Odiwuor	<ul style="list-style-type: none"> • Raises the issue of recent innovations in managing plastic waste which Government should adopt.

Ms. Margrete Auken MEP, European Parliament, Rue Wiertz, Bruxelles

Margrete.Auken @europarl.europa.eu

20th February 2014

Dear Ms. Auken

We were interested in the proceedings at your "Let's Bag It" meeting in the European Parliament on 19th February. It is good that there was significant interest in the role which biodegradable plastics can play in addressing the problem of plastic waste in the environment.

However, it needs to be clearly understood that there are two very different types of biodegradable plastic bags:

- a. "Compostable" - (also loosely known as "bio-based plastics" or "bioplastics") and designed according to EN13432 to biodegrade in the special conditions found in industrial composting, and
- b. Oxo-biodegradable - made from petroleum-derived polymers such as PE and PP, containing extra ingredients (which do not include "heavy metals") designed according to ASTM D6954 to degrade and biodegrade in the open environment leaving no harmful residues.

We noticed that Novamont and other advocates of bio-based plastics had ample opportunity to speak, and that a representative of Novamont had a prominent position on the platform. We were however concerned that neither this Association nor any member of the oxo-biodegradable plastics industry had been invited to provide a speaker.

We are therefore sending to you our statement on the relevance of degradable plastic to Europe1, and would be grateful if you would distribute it to all those on your invitation list. We are happy to answer any questions, and would be willing to meet with you in Brussels on 11th or 13th March.

We would comment on some points made at the meeting:

In general, the amount of ignorance, misinformation, irrelevance and emotional argument was astounding. True this was a political meeting, but even political decisions need to be made on the basis of properly understood facts.

This Association is willing to contribute scientific and technical expertise to a proper understanding of the facts, and we trust that we will be invited to contribute on future occasions when this subject is considered. Professor Thompson is not a polymer scientist, and is in no position to make statements on the composition and characteristics of polymers.

The plastic fragments found in the oceans, and ingested by birds and fish, are fragments of old-fashioned plastics. They are not fragments of oxo-biodegradable plastics which have degraded. In any event the majority of the plastics contributing to the ocean gyres are styrenics and polyamides-

which are not derived from the polymer used to make shopper bags, and do not begin to justify a vendetta against shopper bags.

Plastics are made from a by-product of oil-refining to produce petrol, diesel and other fuels, and the same amount of oil would therefore be extracted and refined if plastics did not exist.

Composting is not the answer to plastics which escape into the environment and cannot realistically be collected. We all agree that the best long-term solution to littering and management of used packaging is collection and recovery, and there is no reason why oxo-bio plastic should not be collected and recovered during its useful life. However what is the EU going to do about the thousands of tonnes of plastic packaging which does not get collected and recovered.

The Commission has found no evidence that biodegradable plastics encourage littering. Indeed oxo-biodegradable plastic is completely indistinguishable by sight touch or smell from ordinary plastic.

There is no such thing as "oxo-fragmentable" plastic. Oxo-biodegradation is defined by CEN as "degradation resulting from oxidative and cell-mediated phenomena, either simultaneously or successively."

Oxo-biodegradable plastic does not therefore just fragment, but will be consumed by bacteria and fungi after oxidative cleavage has reduced the molecular structure to a level which permits living micro-organisms access to the carbon and hydrogen. It is therefore "biodegradable." This process continues until the material has biodegraded to nothing more than CO₂, water, and humus, and it does NOT leave fragments of plastic in the environment.

We would agree that biodegradable material of any kind should not be sent to landfill. This is why oxo-biodegradable plastic (unlike bio-based plastic) is designed so that it will NOT biodegrade in anaerobic conditions.

Most of the comments on recycling are from people who understand recycling but do not understand oxo-bio technology. Some of them have failed to distinguish between oxobio and bio-based, and it is not possible to use the generic term "biodegradable plastic" in this context. Others are thinking of PET bottles, for which oxo-bio technology is not designed.

Not one of them has said that they had recycled oxo-bio plastic and had encountered any problems, and they have produced no scientific evidence (except the Austrian TCKT report commissioned by EuPC which proves that bio-based cannot be recycled and says nothing about oxo).

We were aware of concerns expressed by recyclers, so the oxo-bio industry identified an expert laboratory and asked them for a report. Extensive tests were carried out by Roediger Laboratories who reported on 21st May 2012²² that "Plastic products made with oxo-biodegradable technology may be recycled without any significant detriment to the newly formed recycled product." Roediger Laboratories examined the TCKT report and reported on 5th December 2013³³ that bio-based could not be recycled but they had no reason to change their opinion on oxo-bio.

Our members' practical experience is entirely consistent with the Roediger report.

We were very concerned by the assertions in para 7, of the Motion proposed by Mr. Prodi, on a European strategy on plastic waste in the environment (2013/2113(INI)) which was accepted in Plenary on 14th January.

Paragraph 7 is defamatory of our members and their products, and is an unjustified attack on a whole industry which employs very many people. Members of the Parliament should not be allowed to use their parliamentary protection from legal action to commit defamation, and it is for that reason that we brought this matter to the attention of the President of the Parliament.

There is no evidence that oxo-biodegradable plastic is 'dangerous' nor that it is 'disruptive to human health' or the environment, nor that it contains heavy metals. Further, the scientific evidence⁴ is that oxo-biodegradable plastic (as distinct from biobased plastic) does not make recycling processes more difficult. These claims, which are central to the Motion, are false and seriously misleading.

In February 2011 a Life Cycle Assessment⁵ by Intertek was published by the UK Environment Agency which shows that oxo-biodegradable plastic bags have a better LCA than paper bags or compostable plastic bags. In May 2012 a further LCA by Intertek⁶ included the litter metric and compared oxo-biodegradable plastic with biobased plastic and conventional plastic. It put oxo ahead in its potential to reduce the plastic waste problem and its less harmful impact on the environment and on global warming. In its ability to reduce plastic litter, oxo-bio scored 75% better than conventional plastic, and bio-based plastics were worse than oxo in all 11 environmental impact categories.

Oxo-biodegradation has been studied in depth at the Technical Research Institute of Sweden and the Swedish University of Agricultural Sciences, and a peer-reviewed report of the work was published in Vol. 96 of the journal of Polymer Degradation & Stability (2011) at page 919-928. It shows 91% biodegradation in a soil environment within 24 months, in accordance with ISO 17556 and it does NOT therefore leave fragments of plastic in the environment.

There is no justification for the claim that oxo-biodegradable plastics should be phased out of the market or banned outright, as soon as possible before 2020 or at all.

Yours sincerely,

MICHAEL STEPHEN Chairman

NAAVEC PROJECT CLEANERS

Email address: naavecproject@yahoo.com

Tel. 0722853003/0756832718

NAIROBI

10TH APRIL, 2017.

THE CHAIRMAN,
ASSOCIATION OF KENYA MANUFACTURERS,
P.O BOX 30225-00100,
NAIROBI.

Dear Sir,

REF: A BAN ON PLASTIC PAPER BAG, IS IT NECESSARY?

We are just as you, concerned about the government notice to ban all the plastic and polythene bags. Would you let it happen considering the effect on you the manufacturers, employees, as well as the consumers?

However, the fact remains, that a lot of plastic has continued to destroy our environment. During our 2007 waste audit report, it was established why Kenya has an ineffective management of waste:

- 1) Commercialization of the services which results in many players going for areas that are lucrative e.g. domestic waste handling at a cost hence leaving other areas i.e. plastic waste unattended.
- 2) Failures by relevant bodies to initiate the public in proper waste handling and management and participation in the same.
- 3) Lack of consistent, sustained and far focused effort by players.
- 4) That Naavec's role is to fill the gap existing in the waste management, that of eliminating plastic and polythene bags.

It is our belief therefore that, considering our enclosed project proposal, all the affected industries shall accept to work with us in order to effectively address the plastic menace on our environment. There is no reason to let the government implement the ban just because of selfishness.



For n2

Michael Kojo Otieno,
P. O. BOX 60286-00200,
Nairobi.

18th April, 2017

HON. PROF WAKHUNGU,
CABINET SECRETARY,
MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES,
NHIF BUILDING,
P. O. BOX 30126-00100,
Nairobi.



Dear Madam,

RE : CAUTIONARY NOTICE UNDER ARTICLES 1,2,3,10,19,20,21,22,23, 35, 47,50 AND FAIR ADMINISTRATIVE ACTION ACT.

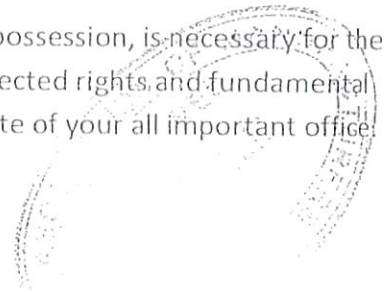
I make reference to the announcement made by you on the ban of plastic bags notice issued to the public on a gazette notice dated February 28th 2017.

I verily believe as a Kenyan youth and a citizen who has a small shop and fishmonger that the aforementioned ban will not only improvish me as an individual but also to other youths and citizens including you as a shopper in one way or another.

I request to be furnished with the following information and supporting documentation on the ban of plastic bags.

1. Reports and feasibility studies carried out on the ban of plastic bags.
2. The minutes of any public participation which was carried out?
3. Affordable alternative which the government has put in place for us the vendors, shoppers and fish mongers.

The information I seek and which I veriiy believe is in your possession, is necessary for the exercise and/ or protections of my/ or constitutionally protected rights and fundamental freedoms and those of other citizens, subject to the mandate of your all important office.



It goes without saying that, where state or its agencies or a person holds information whose release and publication would benefit the public; a public interest is created which trumps the privacy or the confidentiality of the information.

I hope you will honour our access to information requested, in the letter and spirit of the rule of law and promptly avail to us and to the Kenyan public the requested information and documents.

Kindly note that failure to supply the information will necessitate recourse to the constitutional court for orders regarding access to the requested information.

I clarify that I humbly write this cautionary notice to your eminent person in good faith and in public interest to make a genuine access to information demand anchored in law.

I thank you and look forward to your prompt and favorable response.

Yours faithfully,



Michael Kojo Otieno. (ROOM 4, BLKA, B1, N.S.S.F BUILDING).

0712358071.

Cc:

Consumer Federation of Kenya,

Merky place, Ring Road, Suite 45.

P.O.BOX 28053-00200,

Nairobi.

Kenya Association of Manufactures,

P.O. BOX 30225-00100,

KAM BUILDING, PEPONI ROAD.

Nairobi.

Nairobi, 7 April 17

PEEPOOPLE
Peepooptu Kenya
P.O. Box 4444
Nairobi, Kenya
Tel: +254 708 198 971
www.peepoople.com

Dear Phyllis Wakiaga,
Dear Robert Juma,

Re: Plastic bag ban in Kenya

Peepoo is a personal, single-use, self-sanitising, fully biodegradable toilet that prevents faeces from contaminating the immediate area as well as the surrounding ecosystem. After use, Peepoo turns into valuable fertiliser that can improve livelihoods and increase food security.

Peepoo is made of a bio-plastic that meets EU standard EN13432. This means the plastic not only disintegrates, the molecules break down into carbon dioxide, water and biomass.

Peepoople is the organisation behind the Peepoo sanitation system. We have been registered as an NGO in Kenya since 2010 with registration number OP. 218/051/2010/0162/6357. At the time being our Peepoo School Programme provides sanitation and hygiene promotion to 10,000 children spread among 50 schools in Kibera.

Our headquarters with sales and production has previously been based in Sweden, and we have imported our products to Kenya since 2012. As of this year however, we are investing a total of Ksh. 30M to move our Peepoo production to Nairobi. Not only will this make our product more easily accessible to those who need it, but it also enables us to create local job opportunities and contribute to the Kenyan economy. Peepoople Kenya currently employs 10 staff members, and the production will create an additional 10-15 job opportunities from early May this year.

If the plastic bag ban in Kenya is instated as suggested, Peepoople Kenya along with all its operations will have to close down – rendering the Ksh. 30M production investment pointless and leaving 10,000 school children in Kibera without access to safe sanitation.

We kindly ask for your support in this matter to appeal the decision and allow for biodegradable plastics to be exempted from the ban.

Sincerely,



Felix Hägglund Wennergren
+254-708 198 971
felix.how@peepoople.com
Peepoople Kenya



Destiny Africa

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406 - 10101
Karatina



March 16, 2017

The Editor

RE : PLASTICS BAN STAMENT.

A plastic bags ban seem eminent in august as announced by the Cabinet Secretary for Environment Prof Judy Wakhungu. Nema Director – General has supported the ban as well as some environmentalists. Several County Governments have already passed bills banning plastic bags. Phyllis Wakiaga, the CEO Kenya Association of Manufacturers (KAM) and plastic bags manufacturers are against the ban and say there has been no stakeholders involvement.

KAM suggests several options to redress what is popularly called polythene menace. And I agree as the holder of SEED Award 2009 by UNEP, UNDP and IUCN on recovery and recycling of dirty polythenes without cleaning to manufacture plastic posts. This innovation remains a first for Kenya as the common recycling process has been after cleaning yet this innovation is cost-effective as skips this stage.

This is the second time the government is attempting to ban plastic bags after the failed attempt of 2007. The debate seem to follow the same script then and I wonder whether we learnt any lessons and if there has been any new developments that should inform the debate. As an expert involved in sustainable solid waste management (SSWM) and seized of the 2007 engagements, I wish to state:

1. My disappointment with the Environment CS and Nema DG for not dealing with the issue creatively to seek alternative solutions. First if you are banning the plastic bags used extensively in the economy, its important to offer altrnatives and I have not heard of any.
2. That the alternatives being offered by KAM are the same ones offered in 2007 and I wonder if there has been any engagement for the last ten years. Its not acceptable for public servants to take a nap and then wake up to offer the same solutions their predecessors offered a decade back.
3. That the government instituted a progressive increment of polybags gauge from 10 microns to 20 and 30 and need to say what effect that has had and why the turnaround
4. That garbage management in Kenya is more of a problem of lack of goodwill and corruption than lack of capacity. Its a cash cow on the transport endwhere we transport air instead of garbage to our illegal dumpsites run by the county governments under Nema supervision. Lack of goodwill and corruption explain why we still dont have a single sanitary landfill in Kenya after several foreign governments have pledged aid like France who had granted 1.6 billions for Mombasa and Nakuru, Jica to Nairobi and World Bank to Kisumu. Kengen did a feasibility study on Dandora dumpsite with encouraging rsults that its viable to generate electricity from the waste. Its disappointing that Kengen has been given the opportunity to turn our over 3800 tonnes of waste into energy to feed our grid yet has always shown th interest.

Our 2009 Polythenes to Plastic has been a success story with former Nema DG Dr Mwinzi having not only endorsed the project but bought the first plastic posts for his farm in addition to th former Nairobi County Director of Environment Leah Oyake who carried her PhD on the project. In fact the polythenes in th environment are not enough with each post consuming 20 Kgs. What the government need to do is support in replication of this project as SEED a UNEP and EU supported initiative is trying to replicate across Africa. I challenge Professors Wakhungu and Wahungu to engage us on the scientific basis of this project. Otherwise plastic bags ban without a definite alternative is a recipe for chaos where they will remain in the black market as happens in Uganda where Kaveera remains an eye-sore in Kampala.

0725500484
George Mahinda

----- Forwarded message -----

From: jared odiwuor <jaredodhi@yahoo.co.uk>

Date: Thu, May 4, 2017 at 11:31 AM

Subject: The recent gazette notice to ban the manufacture and usage of plastics in Kenya

To: "info@kam.co.ke" <info@kam.co.ke>

Dear Sir/Madam

The Government of Kenya through the Ministry of Environment has recently issued a gazette notice that bans polythene material in order to make Kenya compliant to the East Africa Community polythene material legislation. Even though the intention of the ban is to protect our environment by ensuring that we eliminate plastics that are not biodegradable, one can argue that the economic impacts have not been fully explored. The polythene industry employs many people either directly or indirectly ranging from the manufacturers of polythene packaging materials to fruit salad vendors that depend on plastic materials to handle food in a more hygienic way. Therefore, an extensive study is required to establish the full economic impact of any decision to ban plastics before implementation. It would have been better if the Ministry of Environment undertook their own study on the economic impacts of polythene materials ban and also engaged various stakeholders including small traders to get a much clearer picture on how they will be affected.

Based on recent innovations in managing plastic wastes, there are many approaches that can be employed to ensure that plastic wastes do not cause any harm to the environment. The first approach is based on putting measures in place that will help in the reduction of polythene materials usage. Reducing the usage of plastic bags is currently being addressed in many countries across the globe. This is mainly done by imposing charges on shoppers that do not carry their own shopping bags whenever they visit retail outlets. Retail outlets are also encouraged to introduce reusable bags that customers can use repeatedly. The second approach is based on proper methods of plastic waste collection and recycling. Given that plastics can now be converted into fuels like diesel, mixed with asphalt to pave roads, used in making fencing posts etc., proper ways to collect plastic wastes will ensure that those that manufacture different products using plastic wastes have a continuous availability of the raw material. Shredded plastic wastes mixed with asphalt can help Kenya in building more durable roads like it is already happening in India and UK. As a matter of fact, if Kenya developed a bigger plants for converting plastic wastes into fuels and roads paving material, there will be plastic wastes to be seen on our streets and none will also go to landfills. It is quite interesting that some countries or cities with plastic waste

processing plants actually import waste plastics. A good example is China that imports plastic wastes as raw material for making many products because they have run out of plastic wastes locally.

To ensure that we address the issue of plastic wastes everywhere, proper solid waste management strategies with recycling in mind should be introduced by county governments across the country under the direction of national government. In Nairobi for instance, there is no strategy for waste management. The authorities have failed to provide basic services like rubbish bins and there is also no enforcement of anti littering laws. Enforcement of anti littering laws can actually change people's behavior to discourage throwing plastics everywhere including through windows of a moving vehicles since one can be arrested and be charged with an offence. Passenger and private vehicles should all have bins to be used for disposal and collection of plastics during journeys. Authorities in the counties should also ensure that they provide special bins for the disposal of plastic wastes. This can then be emptied and taken to collection points awaiting transfer to manufacturing facilities.

All the potential ways in which plastic wastes can be put to use therefore makes plastic materials environment friendly. Such uses include the making of fencing posts and fuels such as cooking gas and diesel on industrial scale. In fact some of the uses of recycled plastics can save our forests. For instance, we will reduce the use of wood as fencing posts or roofing timber. In Kenya, there are start ups that are already converting plastics into fuel and fencing posts. These start ups can be promoted to become large industries by the government. Cash that the government will generate through imposition of charges on makers and users of plastic materials can be used in supporting start ups that currently recycle plastics to enable them purchase bigger machinery that can process larger quantities of plastic wastes efficiently. Part of the cash can also be used in developing more efficient collection systems of plastic wastes. This may include employing jobless youth to collect these bags and put them in special bins.

My Best regards
Jared Odiwuor

Environment: Minister says move will reduce pollution but manufacturers lobby protests

Plastic bag traders staring at bleak future as ban date nears

Meat sellers and fish mongers oppose the move which takes effect in September terming it an act of sabotage against people engaged in small businesses

BY AGGREY OMBOKI
@OmbokiAggrey
omboki@nationmedia.com

Mr Lucas Omwenga is a worried man. For five years, he has plied his trade as a plastic bag trader in Kisumu town's fruit and vegetable market, an occupation that is his young family's source of income.

"My wife and two children depend on my plastic bag business for their daily bread," said Mr Omwenga, as he navigated the narrow pathways between stalls where he daily serves hundreds of clients.

Life is about to take a different turn for Mr. Omwenga, 27, and other "karatasi" traders, as the bags are commonly known in Kisumu County.

This follows a government directive to ban the use of plastic bags from September. With the ban set to take effect in five months, plastic bag users and sellers are staring at bleak economic prospects as the cheap and available product is edged out of the market.

A spot-check by the Nation in the county found most traders using plastic bags to pack goods. Some traders expressed misgivings with the State's alternative of disposable paper bags, saying they would be difficult to use.

"I have always used the bags to pack meat for my clients. It will be difficult to pack 10 to 20 kilos of meat in disposable paper bags," said Mr Mark Samwel, a butcher in Kisumu town.

Fish mongers are also up in arms against the ban, terming it misplaced and ill-intentioned.

"The only packaging material that prevents fish from decaying during short-term storage is plastic bags. We are disturbed by the ban which will see us make huge losses due to spoilish," said Mr Abdul Malik Yusuf.

Mr Derrick Otieno, another fish trader, said the ban smacked of economic sabotage for small traders. "We normally purchase the bags at Sh30 a kilo compared to old newspapers which go for Sh10 a kilo. Banning the plastic will impoverish the youth who may be forced to turn to crime," he said.

Environment and Natural Resources Cabinet Secretary Judi Wakhungu announced the ban on March 14. "It is notified to the public that the Cabinet Secretary for Environment and Natural Resources has with effect from six months from the date of this notice banned the use, manufacture and importation of all plastic bags used for commercial and household packaging," said Prof. Wakhungu in a gazette notice dated February 28.

The Kenya Association of Manufacturers says the ban will adversely affect the profit margins of more than 70 companies and result in the loss of at least 60,000 jobs.

According to KAM Chief Executive Phyllis Waklaga, the problem



Background

KENYA JOINS RWANDA, MOROCCO

Kenya is the 11th country to impose the ban globally, coming third in Africa after Morocco and Rwanda, which announced the ban in 2008.

The Ministry of Environment said it had banned the manufacture, use and importation of plastic bags used for commercial and household packaging.

A similar attempt by the government to ban plastic bags 10 years ago failed after sustained resistance from the public and manufacturers.

Environment Cabinet Secretary Judi Wakhungu (below) says the ban will work because the population is now better informed and more supportive.



is not plastic bags, but consumer behaviour.

She said the government, manufacturers and distributors, the public and other stakeholders should make concerted efforts to find a solution to environmental problems associated with plastics.

"Waste management is an issue we must acknowledge as a country, because we are collectively responsible for it. How we manage our waste at the individual level, at a household level, at the business level, is a concern for all of us as Kenyans. Many countries have faced chal-

Plastic bag vendors at Kisumu fresh produce market. Users and sellers are staring at bleak economic prospects as the cheap and available product is edged out of the market following the government's ban.

lenges in disposing of the used plastic bags. Many are dumped in the garbage and water streams, though the waste does not break down," Ms Wakhungu said.

Plastic bags are also an eyesore, littering streets and pavements, of the backstreets in most major towns in the country.

They also clog water pipes, drainage and sewerage systems and can cause death if ingested by livestock.

Consumer behaviour

Prof Geoffrey Wakhungu, the National Environment Management Authority director general, backed the move, saying the banning of plastic carriers will play a critical role in fostering a clean and healthy environment for all.

He said the best way to deal with the plastic bags issue is to ban them, adding that the country could no longer wait for the citizens to be convinced of the ban's necessity.

"It takes a generation to change consumer behaviour. We do not have that time, since there are alternatives and this problem is getting out of hand. Let us ban plastic bags now as we explore viable alternatives," he said.

According to the United Nations environment agency, Unep, Kenya supermarkets use 100 million plastic bags every year. The agency has welcomed the ban.

"Kenya is taking decisive action to remove an ugly stain on its outstanding natural beauty," said Eric Solheim, Unep executive director.

Kenya's ban on the use, manufacture and import of plastic bags comes three weeks after the UN declared a "war on plastic" through its Clean Seas initiative, which has secured commitments to address major plastic pollution from governments.

"Long identified as a major

cause of environmental damage and health problems, they kill birds, fish and other animals that mistake them for food; damage agricultural land; pollute tourist sites and provide breeding grounds for the mosquitoes that carry malaria and dengue fever," Mr Solheim said.

He praised the country's move, calling it a significant step to protect its nature that would inspire other nations to follow suit.

Plastic bags are the number one challenge for urban waste disposal in Kenya, particularly in poor communities where access to disposal systems and healthcare is limited.

They contribute to the eight million tonnes of plastic that leak into the ocean every year. Unep estimates that at current rates, there will be more plastic in the oceans than fish by 2050, weakening havoc on marine fisheries, wildlife and tourism.

Kenya becomes the 11th country to take action in support of the UN's environmental campaign. In Africa, Rwanda and Morocco have banned plastic bags and other countries are set to announce measures in coming days.

Kenya has 176 manufacturers of plastic paper, according to the manufacturers' lobby, KAM.

The six-month period provided for the ban to take full effect is not adequate as the companies cannot close down production and clean their stocks within that period," KAM said in a statement, citing an impending major disruption in the sector.

KAM Sector Manager Samuel Ataiou said the sector contributes Sh4 billion to the Exchequer, in addition to other spin-off benefits.

The Consumer Federation of Kenya (Cofek) said the policy ban should come with affordable alternative options for shoppers.

Contractors bank loans stall as prob halts cheque

BY KITAVI MUTUA

Contractors affected by the going investigations into tender corruption in Kitui are facing ro times with banks, even as the county government called for calm.

Most of the merchants have duties, repaying bank loans take: fund the Sh1.3 billion infrastruct contracts being investigated by Ethics and Anti-Corruption Commission. Detectives raided county offices week and carted away heaps of documents in two pickup trucks.

Most contractors have default on their loans as payments, including for 89 questionable local orders (LSOs), cannot be processed until the investigations are complete. The wide scale of the inquiry means it could take several weeks.

"Most of us are in deep trouble with banks and could be auctioned anytime," said one of the contractors who spoke to the Nation.

Stopped financing

With the General Elections in August, said the trader, the matter could drag on for months if the government suspends financial operations.

Credit managers at Equity Bank and KCB said they had stopped financing LPOs from the county to rising cases of default.

Acting County Secretary A Kirima has, however, urged the affected contractors to remain calm, cautioned politicians against fueling propaganda around the issue.

In a press statement, Mr Kirima confirmed that 89 LSOs relating to development projects had been cited in allegations of improper procurement procedures and that the county was cooperating with EACC officials.

Expert faults MP's claim of an Aids cure

BY WINNIE ATIENO

A scientist has termed claims made by MP Harry Komba that he has discovered a cure for HIV using reflexology therapy as dangerous. National Aids Control Co-ordinator (Nacc) Coast co-ordinator Jul Koombe said the MP's claims likely to interfere with and distort the HIV/AIDS fight and should be countered.

"His insinuation is similar to case in The Gambia nine years ago when the then President Yah Jammeh claimed to cure HIV," said Mr Koombe. "It is well known that the disrupted treatment in The Gambia for years."

Saying the claim will jeopardise lives of 20,000 prisoners on treatment in Kilifi County, Mr Koombe said biggest challenge in HIV programme is treatment default.

Last week, Mr Komba said could cure a patient diagnosed with the virus that causes Aids at an early stage using reflexology therapy, which does not require medicine.

COMMENTS
Go to this link to join the debate and to see views from other readers: www.nation.co.ke

GAZETTE NOTICE NO. 2356

THE ENVIRONMENTAL MANAGEMENT AND
CO-ORDINATION ACT

(Cap. 387)

IN EXERCISE of the powers conferred under section 3 and 86 of the Environmental Management and Co-ordination Act, it is notified to the public that the Cabinet Secretary for Environment and Natural Resources has with effect from 6 months from the date of this notice banned the use, manufacture and importation of all plastic bags used for commercial and household packaging defined as follows:

(a) Carrier bag—

bag constructed with handles, and with or without gussets;

(b) Flat bag—

bag constructed without handles, and with or without gussets.

Dated the 28th February, 2017.

JUDI W. WAKHUNGU,
*Cabinet Secretary for
Environment and Natural Resources.*

**ANNEXTURES V. SUBMISSION BY NATIONAL
ENVIRONMENT MANAGEMENT AUTHORITY**



nema
mazingira yetu | uhai wetu | wazazi wetu

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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Website: www.nema.go.ke

NEMA/5/39 VOL I

17th May 2017

**The Clerk Kenya National Assembly,
Parliament Buildings,
P.O Box 41842 – 00100,
NAIROBI.**

BAN ON PLASTIC CARRIER BAGS

We refer to the above matter and the meeting which was held between the Cabinet Secretary Environment and Natural Resources, National Environment Management Authority and Departmental Committee on Environment and Natural Resources on 16th May 2017 where it was agreed that the Ministry would provide evidence of discussions that took place prior to the Ban.

In this regard we hereby submit the attached documents which provide details of the deliberations. The documents reveal that there were deliberations on the following:

- Strategy on plastic management.
- Regulation on the thickness gauge of the plastic carrier bags.
- Stoppage of the use of plastic carrier bags in Kenya (Annex 18, 19 and 20, 21 & 22).
- Legal process leading to the gazettment of the Ban.

Yours sincerely,

**PROF GEOFFREY WAHUNGU
DIRECTOR GENERAL**



In Summary

1. NEMA has on record 27 consecutive meetings with the plastic sector since May 2006.
2. Between May 2006 and Feb, 2012, 17 meetings were held and the discussion generally addressed standards, thickness, and plastic management and levies. These meeting are the result of the 2 attempted ban on thicknesses of 30 and then 60 microns.
3. On realizing that there was never any goodwill or willingness by the sector to comply or provide a solution for plastic management, the government through a cabinet directive adopted the option of stoppage of use.
4. From August 2014 to present, the Ministry and NEMA engaged the sector on the new approach on stoppage. The sector on the onset declined to accept the move and attempted to change the theme back to plastic management 9n 2014. (this is on record). The Ministry and NEMA continued to engage and every partner stood their ground. On this new approach, a total of ten (10) meetings were held between the Ministry, NEMA and the Sector.
5. Finally, in October, 2015, NEMA recommended to the Cabinet Secretary, Ministry of Environment and Natural Resources to declare a total ban on use of plastic carrier bags.
6. On February, 2017, the Cabinet Secretary gazetted the ban on use, importation and Manufacture of plastic bags.

NEMA CONSULTATIONS ON PLASTIC BAN.

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
10 th May 2006	Minutes	PSC meeting on the pilot project on sustainable management of plastics in Nairobi held at NEMA boardroom	<ol style="list-style-type: none"> 1. Policy and economic instruments on plastics. 2. Comprehensive strategy on plastic management 3. Education and public awareness on plastics management 4. Consultative forum presentations 	<p>UNEP-ROA, KNCP, KAM, KIPRA, ITDC, Nation media, GBM, PDE's off. Nrb, NCBDA, CCN</p>	<p>KAM absent with apologies</p>	<p>KAM to host the PSC secretariat at their premises</p>	1
22 nd June, 2006	Report	Proceedings of the national stakeholders consultative forum on sustainable management of plastics waste in Nairobi city held at the college of Insurance	<ol style="list-style-type: none"> 1. Video documentary on plastic waste. 2. Policy and economic instruments 3. Comprehensive strategy for sustainable management of plastic waste in City Council of Nairobi. 4. Plastics recycling and local experiences 5. Awareness and public education 	<p>UNEP-ROA, KNCP, KAM, KIPRA, KEMA, Universities, plastic sector representatives, UNDP, CCN</p>	<p>- The proposed levies would translate into higher taxes, introduction of the minimum thickness will result to reduced production due to high reuse which will lead to loss of jobs and affect kiosks retailers who consume 80% of plastic bags (Pg. 6 (ii) Plastics sector representative). - The low-Density polyethylene</p>	<p>Forum's recommendations (Pg. 11) i. Levies charged on plastics be used to establish a plastics managing fund ii. Evaluate the effect of levies on the competitiveness of industries iii. Promote incentives for the production of biodegradable plastics.</p>	2

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
					(LDPE) contain hydrocarbons, which are a nuisance in the environment and recycling them is difficult (Pg 9 (R.H. Devani Enterprise).	iv. Finalize regulations on economic instruments	
24 th June 2006	Report	Launch of a facility to support plastic recycling groups in Nairobi	<p>Presentation of policy Instruments for the management of plastic bags in Nairobi by KIPPRA</p> <p>Implementation status of the 10-point action plan developed by NEMA and KAM</p> <p>Presentation of comprehensive strategy on plastic waste management for Nairobi city, 2006</p>		KAM CEO, Ms Betty Maina attended.	Gazettement of a minimum standard plastic thickness at 20 microns Increased recovery and recycling of plastic waste	3
5 th Sept 2006	Minutes	PSC meeting on the pilot project on sustainable management of plastic wastes in Nairobi held at NEMA boardroom	<ol style="list-style-type: none"> Consultative forum on plastics waste management Support to the recycling facility proposed taskforce on plastics 	UNEP-ROA, KNCPC, PDE(NRB), KAM, ITDG, NATION MEDIA, ITDG AND GBM		Upgrade of recycling machines at cleanmax approved The PSC to transform to to plastic waste management taskforce	4

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
4 th Oct 2006	Draft By-law	The City of Nairobi (polythene carry bags ban) BY-LAWS	Review of the draft ban on polythene carry bags in the city of Nairobi			KAM library circulated copy of the by-law to stakeholders	5
22 nd Jan. 2007	KEBS	Technical committee on plastics	<ol style="list-style-type: none"> 1. Importation and manufacture of sub-standard plastic bags 2. Proper disposal of plastic waste 3. KS 1794:2003 on requirements and methods for testing carrier and flat bags 		<p>- The industries were bearing the most burdens of implementing the 10 point plan by KPPRA</p> <p>- Sought advice on duration before implementation of the 20 micron plastic bags</p>	Applications of the KS 1794:2003 agreed Definition of Carrier bag and flat bag	6
26 th June 2007	Minutes	Meeting of the taskforce on plastics held at KEBS	<ol style="list-style-type: none"> 1. Graduation to the expected gauge of plastic carrier bags 2. Commencement date for the 30-Micron minimum thickness Gauge 3. Sustainability of plastic waste management regime 	NEMA, KEBS, KAM	Green levy on imports of plastics raw materials collected by KRA at source recommended to replace the 120% excise duty. NEMA to prepare draft annual estimates for the implementation of the plastics management regime		7
28 th June 2007	Minutes	The 2 nd Taskforce on plastics held at the KEBS	Draft proposal on annual estimates for the implementation of	KEBS, KAM, NEMA	KAM to prepare a draft parliamentary paper on	Annual estimates for the implementation of	8

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
			the plastics management regime		implementation plan for sustainable management of plastic waste in line with finance Bill, 2007.	the plastics management regime adopted	
2 nd July 2007	NEMA/14/6/vo l. VII	NEMA, KEBS and KAM MoA on plastic (green) levy				A signed MOU between NEMA, KEBS and KAM on plastic (green) levy	9
17 th July 2007	Letter Ref: KAM/12/60/BM	Memorandum of agreement between NEMA, KEBS and KAM; legal options for the plastics levy discussed	Petition to the minister for finance to replace the 120% excise duty with a levy				10
21 st Feb 2008	Press release	Regulating plastic manufactures, importers and consumers	Implementation of 30 microns minimum thickness standards for all plastics and the 120% excise duty in the finance bill, 2007			Industry players are encouraged to devise environmentally – friendlier bags for shoppers.	11
26 th Jan 2011	Minutes	Plastics Technical committee meeting	Discussion of KS 1794 polythene and polypropylene bags for general purposes – specifications Increase of plastic carrier bags thickness from 30 to 60 microns	NEMA, KAM, PLASTICS MANUFACTURES & KEBS			12

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
28 th Jan 2011	KAM letter Ref. NEMA.1 4/15 Vol. 1	Consultative meeting with NEMA	Consultations with NEMA	KAM-NEMA	KAM's express of interest to engage NEMA		13
1 st Feb 2011	KAM Presentation to NEMA on plastics	KAM Plastics sector meeting with NEMA at Serena Hotel	Economic, social and environmental impacts of the 60 micron minimum thickness standards for all plastics and the 120% excise duty Progress report on implementation of 10-point action plan a case of the pilot project on plastic waste management	Kam, Plastics Manufacturers NEMA	NEMA should continue dialogue with industry NEMA, KEBS and KAM to develop a timetable on the implementation of the MoA on plastic management KEBS should develop the appropriate standards on plastics packaging (Lets focus on the correctness of the solution rather than the magnitude of the problem)		14
12 th Aug 2011	Bill Supplement	The EAC polythene materials control	Stakeholders communication brief on the prohibition and exception of the bill, its enforcement and the transitional provisions				15

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
28 th Oct 2011	NEMA/ 14/6/V OLX	Invitation Letter to a consultative meeting between NEMA and plastic dispensing outlets on proper management and alternative options	<ol style="list-style-type: none"> 1. The role of plastic manufacturing in the Kenyan Economy 2. Environmental Impacts of plastics 3. Adoption of the 3R principle in plastic waste management 				16
29 th Feb 2012	Minutes	Plastics Technical committee meeting held at KEBS	Deliberation of polythene bags standard (Min 5/2012) – Plastic bags thickness is relevant in environment conservation	KIRDI, CIN, KEBS, PLASTICS MANUFACTURES, NEMA	Plastic bags thickness has no role in quality of the standard	A working group to look at the Pros and cons with regards to the bag's thickness and their impact on the environment	17
25 th August 2014	Minutes	Meeting to develop ToRs for committee to implement the stoppage of use of plastic carrier bags in Kenya		NEMA, KWTA, MENR			18
10 th Nov 2014	Minutes	Meeting on stoppage of the use of plastic carrier bags in Kenya held at NEMA HQs	Development of the ToRs on stoppage of plastic carrier bags	KWTA, RETRAK, TUMAINI, LAVAGE, CLEANSHELF, NAKUMATT, NAIVAS SUPERMARKETS, MOIED, MEWNR, NCC, MOH, AG CHEMBERS	The issue is not plastic but management of waste. The issue of plastics to be looked at as an investment strategy and a	The committee to be split into 2 to work on the road map and review of the documents/ policies on plastics	19

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
17 th Nov 2014	Attendance list	Meeting on stoppage of the use of plastic carrier bags in Kenya held at NEMA HQs		NCC, SUPERMARKETS, RETRAK, MOH, MENR	recycling plan to be used.		20
18 th Nov, 2014	Attendance list	Meeting on stoppage of the use of plastic carrier bags in Kenya held at NEMA HQs		RETRAK, SUPERMARKETS, MOIED, KWTA, KEBS, MOH			21
16 th Jan. 2015	Minutes	Meeting on stoppage of the use of plastic carrier bags in Kenya held at NEMA HQs	Progress report on the road map and review of the documents/policies on plastics	MEWNR, KAM, RETRAK, KEBS, MOH and supermarkets representatives	KAM proposed change of the subject matter from 'Stoppage of use of plastic carrier bags in Kenya' to be replaced with 'Management of use of plastic carrier bags in Kenya'		22
30 th June 2015	Attendance list	Meeting on plastics management in Kenya		MOIED, NEMA, KAM, RETRAK, KEBS, MOH and supermarkets representatives			23
16 th July 2015	NEMA/5/39/vo I. I	NEMA Brief to the PS on use of plastic materials in	Road map on the waste management	MENR, KEBS, MoH, AG'S	KAM & KEPSA to prepare draft plastic policy		24

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
		manufacture of paper bags	strategy, draft Plastic policy	OFFICE, KAM, RETRAK	KEPSA & KAM to present the issues on plastic levy and its use at the presidential round table NEMA/KEPSA & KAM to cap on licensing new plastic industries and encourage the old industries to do research and development on biodegradable packaging paper RETRAK & KAM together with NEMA to create awareness for members to adopt Nakumatt Model		
14 th Aug 2015,	Attenda nce list	Meeting on plastics management taskforce held at NEMA HQs		RETRAK, KAM, SUPERMARKETS, KEBS, NEMA.			25
19 th August t 2015	NEMA/ 5/39/vo l. 1	Use of plastic materials in manufacture of paper bags	Draft plastic policy to the PS MENR and a stakeholder consultation programme				26

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
16 th July 2015	NEMA/5 /39/vol. 1	NEMA Brief to the PS on use of plastic materials in manufacture of paper bags	Road map on the waste management strategy, draft Plastic policy	MENR, KEBS, MoH, AG'S OFFICE, KAM, RETRAK	KAM & KEPSA to prepare draft plastic policy KEPSA & KAM to present the issues on plastic levy and its use at the presidential round table NEMA/KEPSA & KAM to cap on licensing new plastic industries and encourage the old industries to do research and development on biodegradable packaging paper RETRAK & KAM together with NEMA to create awareness for members to adopt Nakumatt Model		24
14 th Aug 2015,	Attendan ce list	Meeting on plastics management taskforce held at NEMA HQs		RETRAK, KAM, SUPERMARKETS, KEBS, NEMA.			25
19 th August t 2015	NEMA/5 /39/vol. 1	Use of plastic materials in manufacture of paper bags	Draft plastic policy to the PS MENR and a stakeholder				26

DATE	REF	TOPIC	KEY ISSUES DISCUSSED	Stakeholders consulted	COMMENTS FROM KAM/PLASTICS SECTOR STAKEHOLDERS	OUTCOME	ANNEX
			consultation programme				
13 th Oct 2015	Brief on NEMA's position on waste management	Update on stoppage of plastic carrier bags in Kenya	<ul style="list-style-type: none"> • Progress on plastics taskforce • Progress on NEMA-Retrak initiative on plastics • EAC position on plastic management 	NEMA, KEPSA, KAM, KEBS, RETRAK		NEMA recommended the CS MENR to declare a total ban on plastics as the only intervention for plastic management in Kenya	27
23 RD Feb. 2017	DENR/L/1/8/(38)	Notice to the Attorney General on plastic ban					28
28 th Feb. 2017	230.2/2/vol. 4	Response from office of the Attorney General on the proposed ban					29
1 st March 2017	DENR/L/1/8/38	Technical advisory paper on tackling the plastic waste menace in Kenya					30



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MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES
Office of the Cabinet Secretary

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N.H.I.F BUILDING
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NAIROBI

Ref: DENR/L/1/8/(38)

Date: 1st March, 2017

Prof. Githu Muigai, EGH, SC
Attorney General
Office of the Attorney General and
Department of Justice
NAIROBI

Dear Prof,

RE: THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT, 1999-PROPOSED BAN ON THE USE, MANUFACTURE AND IMPORATION OF PLASTIC BAGS

Reference is made to your letter ref: 230/2/2 Vol.IV dated 28th February, 2017.

We have noted the contents of the said letter and forward herewith a copy of the recommendation of the Ban from the National Environmental Management Authority (NEMA) in accordance with section 86 of EMCA to facilitate appropriate

We anticipate your appropriate action.

Yours *S...*

Judi W. Wakhungu
Prof. Judi W. Wakhungu, EGH
CABINET SECRETARY

Encl

TECHNICAL ADVISORY PAPER ON TACKLING THE PLASTIC WASTE
MENACE IN KENYA

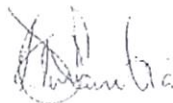
BACKGROUND

Plastics are essential elements of industrialization and the socio-economic development of a country. In Kenya plastics are widely used as a key packing material in several sectors of the economy namely manufacturing, trade, transport, agriculture, hospitality etc. A research done by NEMA in conjunction with United Nations Environment Programme (UNEP) and Kenya Institute of Public Policy Research and Analysis (KIPPRA) in 2005 revealed that 100million plastic bags are handed out annually in Kenya by supermarkets alone. Majority of these ends up in the environment clogging drains and sewers, polluting the environment and posing a danger to both livestock and aquatic life. Plastics are produced from petroleum products that are rapidly diminishing and getting more expensive by the day. Once manufactured, the decomposition of plastic bags takes many years thus plastic waste remain in the environment for a long period of time.

PROBLEM STATEMENT

Despite the existence of laws and regulations guiding waste management in the country, waste still remains a challenge especially in urban areas. The plastics present a special challenge due to their non -biodegradable nature. Improper management of used plastics has presented several challenges in the country namely:

1. Littering the landscape: Once used, plastic becomes litter and finds its way into waterways, parks, beaches, and streets. The accumulation of this waste is an eyesore and reduces aesthetic as well as property values. This could also have a direct negative impact on tourism
2. Hazard to human health: Burning of plastics which is rampant in the country releases toxic fumes into the atmosphere. The toxic fumes contain chemicals, including dioxins, which have been linked to various forms of cancer in humans.
3. Plastic bags kill animal and are a threat to aquatic life. Ingested plastic bags remain intact even after the death and decomposition of the animal.



RECOMMENDED ACTIONS

- The Attorney General to note the initiatives undertaken in dealing with the waste plastic menace.
- The Attorney General to approve the Gazette Notice that directs the following:-
 - All retailers to sell rather than provide free packaging for customers that need plastic carrier bags.
 - The banning of carrier plastic bags that form the bulk of the plastic waste, altogether, within a period of six (6) months.

[Handwritten signature]

08078

NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY (NEMA)

PO BOX 30136 NAIROBI
TEL: 254 20 30136
WWW.NEMA.KE

PO BOX 30136 NAIROBI
TEL: 254 20 30136
WWW.NEMA.KE

NEMA/14/6/VOL.

31st January 2017

Prof. Judi Wakhungu,
Cabinet Secretary,
Ministry of Environment &
Natural Resources
P.O. BOX 30136 NAIROBI
NAIROBI

Mr. Charles T. Sunkuli
Principal Secretary,
Ministry of Environment &
Natural Resources
P.O. BOX 30136 NAIROBI
NAIROBI

Dear Sir,

CABINET PAPER ON TACKLING THE PLASTIC WASTE MENACE IN KENYA

The National Environment Management Authority (NEMA) is in the forefront of curbing the plastic menace in the County.

Attached is a Cabinet Paper on Plastic Waste, highlighting various recommended actions for your necessary action.

Yours sincerely,

PROF. GEOFFREY WAHUNGU
DIRECTOR GENERAL

2017/01/31

4. Plastics clog drainage and sewerage systems: When flimsy plastic bags are littered they clog drainage and sewer lines. Water can thus not flow freely through the drainage systems causing flooding. The stagnant water becomes a breeding ground for mosquitoes that cause malaria. According to the Ministry of Public Health and Sanitation, malaria kills at least 30,000 people annually, mostly children under the age of five and expectant mothers. Curbing the plastic menace will contribute to curbing deaths caused by malaria.

INTERVENTIONS

The National Environment Management Authority (NEMA) in conjunction with other government agencies and stakeholders has been involved in several initiatives aimed at curbing the plastic menace in the country namely:-

1. Revision of standard gauge of plastic bags and wrappers to 30 microns. The initiative is aimed at mopping up any plastics that cannot be recycled or reused, encourage the manufacture of heavier plastic bags, thus preventing littering, and encouraging re-use and recycling.
2. Partnering with major retail outlets with a view of reducing the number of plastic bags they use to package customer goods.
3. Development of a national solid waste management strategy which has the guiding principle of zero waste by the year 2030. Management of plastic waste has been incorporated in the strategy.
4. Country wide campaigns on proper waste management
5. Engagement of County governments to improve their management of waste by designating waste disposal sites and providing other environmentally friendly infrastructure for waste management
6. Licencing of plastic recyclers under the Environmental Management and Coordination (Waste Management) Regulations 2006.
7. Introduction of a 130% excise duty on all plastic manufacturing raw materials

Despite all these interventions, little improvement has been noted in the management of plastics and the environment continues to be littered and with plastics especially the plastic carrier bags.

28th February, 2017

230/2/2 Vol. IV

DEPARTMENT OF JUSTICE
&
OFFICE OF THE ATTORNEY-GENERAL
REPUBLIC OF KENYA



Prof. Judi W. Wakhungu, EGH,
Cabinet Secretary,
Ministry of Environment and
Natural Resources,
NHIF Building, Ragati Road,
P.O. Box 30126-00100,
NAIROBI.

[Handwritten signature]

Dear

RE: THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
ACT, 1999—PROPOSED BAN ON THE USE, MANUFACTURE
AND IMPORTATION OF PLASTIC BAGS

This has reference to your letter reference number DENR/L/8/(38) and dated the 23rd February, 2017, forwarding a draft Gazette Notice on the above matter for our scrutiny and clearance before publication. After due consideration of the issues raised and the applicable law, we wish to advise you as follows:

We note that the enabling provisions relied upon for the proposal are section 3 of the Environmental Management and Co-ordination Act, 1999, which provides for the entitlement to a clean and healthy environment for every person in Kenya and section 86 of the Act which provides for the standards of waste as follows—

86. The Cabinet Secretary shall, on the recommendation of the Authority—

(1) identify materials and processes that are dangerous to human health and the environment;



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(2) issue guidelines and prescribe measures for the management of the materials and processes identified under subsection (1);

(3) prescribe standards for waste, their classification and analysis, and formulate and advise on standards of disposal methods and means for such wastes; or

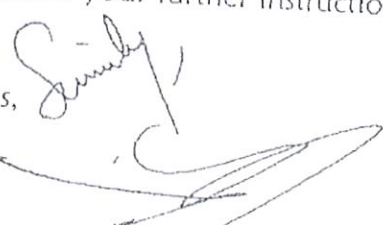
(4) issue regulations for the handling, storage, transportation, segregation and destruction of any waste.

The purport of this is that the powers conferred on the Cabinet Secretary can only be exercised upon the recommendation of the Authority. Accordingly, please let us have copy of the said recommendation to facilitate our appropriate action.

Further, with regard to the importation of plastic bags, kindly note the provisions of the Second Schedule to the East African Community Customs Management Act/2004, which, in accordance with the provisions of sections 18 and 19 of the Act, prohibit the importation of plastic articles for the conveyance of goods of less than 30 microns. This is the standard that currently applies to the importation of plastic bags into the Community. You may also be aware of the East African Legislative Assembly efforts to enact the East African Community Polythene Materials Control Bill, which is undergoing stakeholder consultations at present, and which is intended to meet the same objectives as your proposed Gazette Notice.

We await your further instructions in this matter.

Yours,


GITHU MUIGAI, SC, EGH,
Attorney General.



38

MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES
Office of the Cabinet Secretary

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P. O. BOX 30126-00100
NAIROBI

Ref: DENR/L/1/8/(38)

Date: 23rd February, 2017

Prof. Githu Muigai, EGH, SC
Attorney General
Office of the Attorney General and
Department of Justice
NAIROBI

**ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT -
GAZETTE NOTICE ON THE BAN OF PLASTIC CARRIER BAGS**

The use of plastic carrier bags in the country is a menace and an environmental hazard due to the length of time it takes to degrade. Plastic bag use has been on the increase, and without attendant proper management to address this problem, the Ministry wishes to ban the use of some classes of plastic bags.

The penalty for breach of this ban is stipulated under Section 144 of the Environmental Management and Coordination Act Cap 387, which is imprisonment for a term of not less than one (1) year but not more than four (4) years or a fine of not less than 2 million but not more than 4 million or to both such fine and imprisonment.

We forward herewith, the Gazette Notice to ban the use, manufacture and importation of plastic carrier/flat bags for your consideration.

Prof. Judi W. Wakhungu, EGH
CABINET SECRETARY

GAZETTE NOTICE NO.

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION

ACT, CAP. 387

IN EXERCISE of the powers conferred under section 3 and 86 of the Environmental Management and Coordination Act, Cap. 387, it is notified to the public that the Cabinet Secretary for Environment and Natural Resources has with effect from 6 months from the date of this notice banned the Use, Manufacture and Importation of all plastic bags used for commercial and household packaging defined as follows:


a) Carrier bag:

Bag constructed with handles, and with or without gussets

b) Flat bag:

Bag constructed without handles, and with or without gussets

Dated the 28th day of February 2017



JUDI W. MAKUMBUU

Cabinet Secretary

Ministry of Environment and Natural Resources

GAZETTE NOTICE NO.

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION
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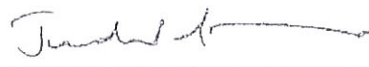
a) Carrier bag:

Bag constructed with handles, and with or without gussets

b) Flat bag:

Bag constructed without handles, and with or without gussets

Dated the 28th day of February 2017


JUDI W. WAKHUNGU

Cabinet Secretary

Ministry of Environment and Natural Resources

13th October 2015
RECEIVED
11

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

**UPDATE ON THE STOPPAGE OF PLASTIC CARRIER BAGS IN KENYA
BRIEF ON NEMA'S POSITION ON WASTE MANAGEMENT**

The Principal Secretary, Ministry Environment & Natural Resources constituted a team comprising Director General NEMA, CEO Kenya Water Towers Agency and the Director, Policy Formulation and Implementation and mandated the team to develop and implement a strategy/action plan on the stoppage of plastic carrier bags in Kenya by 1st January 2015 vide letter ref: DENR/EMC/41 dated 21st August 2014 to be chaired by Director General NEMA Prof. Geoffrey Wahungu

Meeting by PS Plastic Team

The first meeting to actualize this task was held at the Waster Tower Agency on 25th August 2014 during which the team resolved to form a large Taskforce to handle the plastic issue comprise relevant agencies associated with plastics.

First Taskforce Meeting:

The Plastics Taskforce comprising of 19 members held its first meeting on 10th November, 2014 at NEMA Headquarters. The Taskforce appreciated the challenge posed by the plastics in the environment including, blockage of drainage systems causing flooding in towns and cities. The plastics also pose a risk to livestock and adversely affect the aesthetic value of the environment.

The Government made several attempts to stop or embrace sound management of plastic carrier bags which have are eventually discharged in the environment. However, these efforts have not been successful due to diverse reasons including pressure on NEMA to handle the plastic issue in phased out approach instead of total ban at the time to avoid job cuts.

The Authority initiated creation of a Plastic Levy which was later changed into plastic excise duty which runs into the consolidated Fund todate. However, this this funds is not ploughed back to the management of plastics.

Resolutions:

The taskforce resolved to;

- i) Revive the Green Levy
- ii) Review all the policies related to plastics including EAC Plastic Bill with a view to formulate a Plastic Policy for Kenya

Second Taskforce Meeting

The Plastic Taskforce held its second taskforce meeting on 16th January 2015 at NEMA HQs.

Resolutions

- i) Revive the Green Plastic Levy
- ii) Develop a policy on plastic management with clear charging structures on plastics and associated taxes
- iii) Initiate linkages with County Governments on plastic management
- iv) Develop mechanisms of supporting County Governments on plastic management

Third Taskforce Meeting

The Plastic Taskforce held the 3rd meeting on 30th June, 2015. Several resolutions were agreed upon as way forward as indicated in the table below.

Suggested action on plastic management

No.	Proposed Activity	Actor
1.	Draft Plastic policy by the next meeting in July	NEMA
2.	Presidential Round Table by KEPSA to include the plastic levy as an agenda	KEPSA &KAM
3.	Possible bench marking in the region (Rwanda/Uganda)	NEMA&KEBS
4.	-NEMA urged to fast track discussions with Retrak members on modalities of reducing use plastic carrier bags -Supporting a policy that will initiate the selling of carrier bags by retailers to shoppers as done in other developed countries to discourage and limit use of plastic carrier bags and promote reuse and recycling of plastic bags in the long run	RETRAK&KAM
5.	Cap on licencing of new plastic industries and encourage the old ones to undertake research and development on bio-degradable packaging paper.	NEMA/KEPSA & KAM
6.	Undertake Awareness campaign on plastic management through media	NEMA

Progress on NEMA-Retrak Initiative on Plastics

NEMA has coordinated the discussions with Retrak towards encouraging its members to reduce the use of plastic carrier bags in their outlets. This is aimed at reducing the quantities of plastic eventually discharged to the environment leading to flooding.

So far NEMA and Retrak have negotiated an MoU on the potential actions by both Retrak and NEMA as listed below. The partnership will be launched soon among the participating supermarkets to ensure a level playing field.

Role of Retrak

This MOU recognizes the role of Retrak as follows:

- i) All Retrak Members to collectively embrace the proposed reduction in the quantities of plastic carrier bags used in packaging household goods which will subsequently reduce the amount of plastics discharged into the environment.
- ii) Retrak Members to undertake media campaigns to sensitize consumers to accept the new initiative of reducing plastic carrier bags for packaging household goods
- iii) To lobby the clients to re-use and recycle plastic carrier bags previously issued.
- iv) Retrak members to introduce a take back system to receive used carrier bags in order to enhance collection of

Role of NEMA

- i) NEMA to support CSR efforts by Retrak members on sound environmental management

- ii) NEMA to support and lobby for tax waivers from Treasury to support the importation of eco-friendly technologies or equipment by any Retrak members that has the potential to improve waste management.
- iii) NEMA to link Retrak Members to Industry undertaking recycling of plastics NEMA will undertake regular monitoring to ensure adherence to reduced use of plastic carrier bags and take back systems. This is expected to earn the Retrak members savings as a result reduced use of carrier bags.

EAC Position on Plastic Management

1. The EAC has formulated the Plastic bill which prescribes the a 60 micron gauge for plastic to be domesticated by the Member States
2. Further, Director General NEMA Kenya and Director General NEMA Uganda have held discussions on possible joint implementation of plastic management actions.
3. Following the recent ban on plastic use in Uganda in the month of may 2015, the Plastic Taskforce recommended a fact finding mission to Uganda and Rwanda to learn lessons for implementation in Kenya

Requested Action:

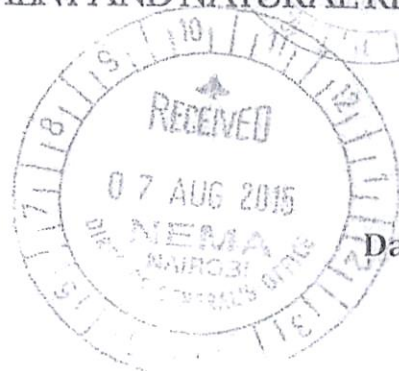
- i) NEMA requests the Cabinet Secretary, Ministry of Environment,& Natural Resources to recommend to the President to declare a total ban on plastics as the only intervention for plastic management in Kenya.
- ii) The Authority requests financial resources to be allocated for plastic management especially as percentage of the Plastic Levy



MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES

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00100-NAIROBI



9

Ref: DENR/ADM/C/9 Vol.II

Date: August 5, 2015

Prof. Geoffrey Wahungu
Director-General
National Environment Management Authority
P. O. Box 67839-00200
NAIROBI

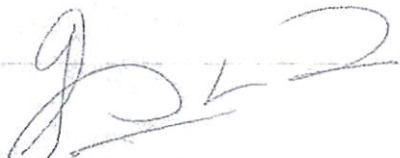


USE OF PLASTIC MATERIALS IN MANUFACTURE OF PAPER BAGS

This has reference to your letter Ref. NEMA/5/39/Vol.I of 16th July 2015 by which you provided a brief on the status of the matter and indicated that a Draft Plastic Policy would be available for review by 31st July 2015.

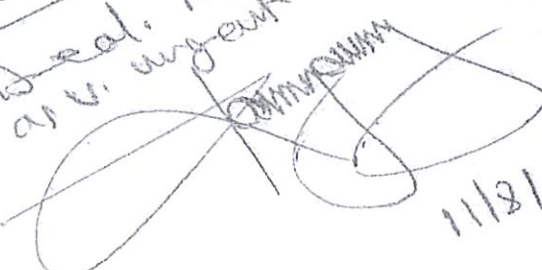
The purpose of this letter is to call upon you to forward the Draft Policy to this office, accompanied by a programme on stakeholder review in a meeting to be chaired by the Principal Secretary.

Your urgent response will be appreciated.


G. N. Gathaara
For: PRINCIPAL SECRETARY

c.c. Principal Secretary - for information

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Arthur: I Jimmy 10/8/2015
Pls Study & replicate text
V. important

② Immediate
Deal. meet
as v. urgent

11/8/15

* draft

NEMA/5/39/Vol. I

19th August 2015

The Principal Secretary
State Department of Environment
Natural Resources
NHIF Building
NAIROBI.

Attn: Mr G.N. Gathaara

Dear

RE: USE OF PLASTICS MATERIALS IN MANUFACTURE OF PAPER BAGS

This is in reference to your letter Ref: DENR/ADM/C/9 Vol.II requesting for the draft Policy accompanied by a programme on stakeholder review in a meeting to be chaired by the Principal Secretary.

Forward herewith is the 1st draft of the policy with a detailed stakeholder review programme for your action.

Yours

PROF. GEOFFREY WAHUNGU
DIRECTOR GENERAL

IS/sk

DRAFT

PLASTIC MANAGEMENT POLICY

In order for the plastic waste management strategy to be operated in an effective and sustainable manner, it should involve broad categories of policy instruments, these includes; regulatory, economic and voluntary based ones.

The regulatory component will address issues such as regulation of technologies, performance and provision of public goods.

Economic instruments manifest themselves in form of prices (taxes, charges, subsidies, deposit-refund schemes, and liability systems) or property rights such as creation of property rights for plastic waste handling.

Voluntary based instruments involve the provision of information through public awareness and setting up of voluntary codes of practice.

On the international scene, levies, charges and taxes have been successfully applied in South Africa, China and Tanzania; outright bans/setting of minimum thickness standards have been successfully embraced in Rwanda, South Africa, Bangladesh, India, Hong Kong and Somalia; introduction of cleaner alternatives have been successfully adopted in South Africa; and Rwanda, India, Hong Kong, and Singapore also rely on information creation and awareness.

The stakeholders propose for immediate implementation the following:

- i. Minimum thickness standard of 20 microns to be later revised to 30 microns with an aim of reducing the thin plastic menace in the city's environment.
- ii. Innovative Financial support for recycling and upgrading of plastic waste management infrastructure such as financial incentives to promote private-public partnerships in the development and management of waste infrastructure.
- iii. The stepping up of consumer awareness and anti-littering campaigns so as to create a responsible use and disposal of plastics.
- iv. A voluntary code of practice for retailers, consumers and manufacturers aiming at rationalizing the issuance of plastics, increasing the usage of plastic bags made from recycled material, creation of convenient and accessible recycling stations to customers, and setting up of better standards for imported packaging plastics.

- v. The creation of a plastic waste management fund with contributions from voluntary contributions from industry, Government and other donors; and these contributions be tax exempt.
- vi. Setting up of differential power and water tariffs to increase the level of recycling.
- vii. Zero- rating of recycled products to create a vibrant market for recycled products
- viii. Creation of a plastic bags levy.
- ix. Supporting the development of alternative bags that are more durable, reusable and recyclable.

PROBABLE POLICY, MANAGERIAL AND PRACTICAL ALTERATIONS

The successful implementation of this strategy will be critically dependent on the ability of stakeholders to initiate changes at policy, managerial, and technical levels with a view to changing consumption patterns. Specific recommendations need to address the following:

- Policy formulation and implementation for plastic waste management should consider the needs of all levels of the community. The social responsibility for plastic waste management should be initiated at all levels of our education system, right from the primary school level upwards
- The role of the community (church, youth and women groups) in plastic waste management should be strengthened
- The need to develop indigenous and homegrown technologies for plastic waste management is paramount as it is essential for the sustainability of the strategy.
- Primary collection and involvement of informal waste recyclers (scavengers) is of prime importance in plastic waste management, as it will help reduce costs and also enable the collection of waste from inaccessible areas.
- The Kenyan Government should be made aware of the positive benefits of plastic waste recycling so that they can include recycling in national policy formulation and budgetary support. Coordination and networks should be formalized between ministries so as to create appropriate policies with the aim of increasing benefits from the recycling industry.

- There is need to encourage the minimization, reuse and recycling of plastic wastes by all solid waste producers. Alternative uses for recycled goods should be developed and brought to the attention of the community and manufacturers. There is need for source segregation of waste. Manufacturers should be encouraged to use recyclable/reusable items as raw materials for their production processes. There is therefore need for more information on simple, on-site recycling activities and technologies that are environmentally safe and cost-effective. Incentives such as tax rebates and/or soft loans for all scales of plastic recycling should be made available.
- There is need to develop quality standards and have them implemented for all plastic recycled products.
- There is need for constant information exchange on best available practices and technologies.
- An enhanced and sustained market for recycled plastic products will ensure better prices using preferential government purchase, better conditions for informal recyclers (scavengers) and also stimulate all levels of plastic waste recycling.
- The City Council of Nairobi (CCN) will coordinate and champion this plastic recycling and re use strategy with the support of stakeholders.
- Creation of awareness to the local communities on the health and safety aspects of all levels of plastic waste recycling.
- Urgency in the need on land, for development of small-scale plastic recycling industries and the County Governments should assist in this constraint.
- Need for political will, enthusiasm and top commitment on the side of the Government, NEMA, CBOs and the City Council of Nairobi so as to assure adequate allocation of resources.
- Quick gazettment of waste management regulations developed by NEMA and approval and enforcement of anti-littering laws by the County Governments.
- Creation of a Plastic Bags Levy Innovative ways of fund raising for plastic waste management that prioritises community involvement need to be developed.









- There is need for capacity building and strengthening of solid waste management infrastructure at the Nairobi County and other Counties.
- The Government should create an enabling environment for plastic waste recycling by reducing electrical/water tariffs and if possible waive 16% VAT on recycled plastic products (differential power and water tariffs/ zero-rating of recycled products)
- Promotion of a voluntary national code of practice for retailers, consumers and manufacturers on environmental sound ways of managing plastic wastes.
- Processing of the plastics for the COMESA region should be undertaken within the Exports Processing Zones (EPZ) as an incentive measure.

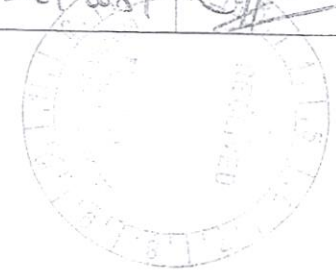
This strategy will need to be continuously reviewed and adapted so as to address practical realities and changing needs, priorities and preferences of consumers. The strategy also takes cognisance of the fact that it will be difficult to address plastic waste management challenges in total isolation of the entire solid waste management problem. Hence, the successful implementation of this strategy will also depend on the presence or absence of an effective solid waste management program.

Reference

A Comprehensive Plastic Waste Management Strategy for the City Of Nairobi, July 2006, Kenya National Cleaner Production Centre.

ATTENDANCE LIST FOR PLASTIC MANAGEMENT TASKFORCE MEETING AT NEMA BLOCK A MAIN CONFERENCE ROOM ON 14th AUGUST, 2015

No	NAME	ORGANIZATION	EMAIL	CELL PHONE NO	ID/NO	SIGNATURE
1.	Wambui Mbarne	Retail Trade Ass.	ceo@rehab.co.ke	0721362895	9324187	
2.	Immaculate Simiyu	NEMA	isimiyu@nema.go.ke	0720357160	12418674	
3.	Joseph Muchiri	Cleanstart Smkts	jmuchiri@cleanstart.com	0724282534	28818114	
4.	Albert Nyagere	Lebis	nyagere@lebis.org	0722725526	11674118	
5.	Suma Robert	KAM	Robert_suma@kam.co.ke	0722413357	23700629	
6.	Victor Othman Odhiambo	NEMA Waste Section	victorothman44@gmail.com	0714291223	29955909	
7.	Am Haji Nyagere	NEMA	amhaji@nema.go.ke	07000000	30233121	
8.	Giuliano Rofeh	NEMA	grolf@nema.go.ke	0720305034	22447657	





MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES

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Ref: DENR/ADM/C/9 Vol.II

Date: August 5, 2015

Prof. Geoffrey Wahungu
Director-General
National Environment Management Authority
P. O. Box 67839-00200
NAIROBI



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For: PRINCIPAL SECRETARY

c.c. Principal Secretary - for information

Immaculate
Deal. meet
9/12/15

* draft

NEMA/5/39/Vol. I

19th August 2015

The Principal Secretary
State Department of Environment
Natural Resources
NHIF Building
NAIROBI.

Attn: Mr G.N. Gathaara

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DRAFT

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- iv. A voluntary code of practice for retailers, consumers and manufacturers aiming at rationalizing the issuance of plastics, increasing the usage of plastic bags made from recycled material, creation of convenient and accessible recycling stations to customers, and setting up of better standards for imported packaging plastics.

- v. The creation of a plastic waste management fund with contributions from voluntary contributions from industry, Government and other donors; and these contributions be tax exempt.
- vi. Setting up of differential power and water tariffs to increase the level of recycling.
- vii. Zero- rating of recycled products to create a vibrant market for recycled products
- viii. Creation of a plastic bags levy.
- ix. Supporting the development of alternative bags that are more durable, reusable and recyclable.

PROBABLE POLICY, MANAGERIAL AND PRACTICAL ALTERATIONS

The successful implementation of this strategy will be critically dependent on the ability of stakeholders to initiate changes at policy, managerial, and technical levels with a view to changing consumptions patterns. Specific recommendations need to address the following:

- Policy formulation and implementation for plastic waste management should consider the needs of all levels of the community. The social responsibility for plastic waste management should be initiated at all levels of our education system, right from the primary school level upwards
- The role of the community (church, youth and women groups) in plastic waste management should be strengthened
- The need to develop indigenous and homegrown technologies for plastic waste management is paramount as it is essential for the sustainability of the strategy.
- Primary collection and involvement of informal waste recyclers (scavengers) is of prime importance in plastic waste management, as it will help reduce costs and also enable the collection of waste from inaccessible areas.
- The Kenyan Government should be made aware of the positive benefits of plastic waste recycling so that they can include recycling in national policy formulation and budgetary support. Coordination and networks should be formalized between ministries so as to create appropriate policies with the aim of increasing benefits from the recycling industry.

- There is need to encourage the minimization, reuse and recycling of plastic wastes by all solid waste producers. Alternative uses for recycled goods should be developed and brought to the attention of the community and manufacturers. There is need for source segregation of waste. Manufacturers should be encouraged to use recyclable/reusable items as raw materials for their production processes. There is therefore need for more information on simple, on-site recycling activities and technologies that are environmentally safe and cost-effective. Incentives such as tax rebates and/or soft loans for all scales of plastic recycling should be made available.
- There is need to develop quality standards and have them implemented for all plastic recycled products.
- There is need for constant information exchange on best available practices and technologies.
- An enhanced and sustained market for recycled plastic products will ensure better prices using preferential government purchase, better conditions for informal recyclers (scavengers) and also stimulate all levels of plastic waste recycling.
- The City Council of Nairobi (CCN) will coordinate and champion this plastic recycling and re use strategy with the support of stakeholders.
- Creation of awareness to the local communities on the health and safety aspects of all levels of plastic waste recycling.
- Urgency in the need on land, for development of small-scale plastic recycling industries and the County Governments should assist in this constraint.
- Need for political will, enthusiasm and top commitment on the side of the Government, NEMA, CBOs and the City Council of Nairobi so as to assure adequate allocation of resources.
- Quick gazettment of waste management regulations developed by NEMA and approval and enforcement of anti-littering laws by the County Governments.
- Creation of a Plastic Bags Levy Innovative ways of fund raising for plastic waste management that prioritises community involvement need to be developed.

- There is need for capacity building and strengthening of solid waste management infrastructure at the Nairobi County and other Counties.
- The Government should create an enabling environment for plastic waste recycling by reducing electrical/water tariffs and if possible waive 16% VAT on recycled plastic products (differential power and water tariffs/ zero-rating of recycled products)
- Promotion of a voluntary national code of practice for retailers, consumers and manufacturers on environmental sound ways of managing plastic wastes.
- Processing of the plastics for the COMESA region should be undertaken within the Exports Processing Zones (EPZ) as an incentive measure.

This strategy will need to be continuously reviewed and adapted so as to address practical realities and changing needs, priorities and preferences of consumers. The strategy also takes cognisance of the fact that it will be difficult to address plastic waste management challenges in total isolation of the entire solid waste management problem. Hence, the successful implementation of this strategy will also depend on the presence or absence of an effective solid waste management program.

Reference

A Comprehensive Plastic Waste Management Strategy for the City Of Nairobi, July 2006, Kenya National Cleaner Production Centre.



nema
national environment management authority

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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Mobile line: 0724 253 398, 0723 363 010, 0735 013 046, 0735 010 237
Telkom Wireless: 020-2101370
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Pope Road, Nairobi, Kenya
E-mail: dgnema@nema.go.ke
website: www.nema.go.ke

NEMA/5/39/Vol. I

16th July, 2015


Principal Secretary
Ministry of Environment & Natural Resources
NHIF Building
NAIROBI

Attention: Mr. C.N. Gathaara

RE: USE OF PLASTIC MATERIALS IN MANUFACTURE OF PAPER BAGS

Your letter dated 9th July 2015 refers.

Attached is the status of the National Solid Waste Management Strategy and a brief on the Taskforce currently formulating strategies on plastics management in Kenya including preparation of a draft Plastic Policy which will be available for review by 31st July 2015.


PROF. GEOFFREY WAHUNGU
DIRECTOR GENERAL

MāN/sk





NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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website: www.nema.go.ke

NEMA/5/39/Vol. I

16th July, 2015

Principal Secretary
Ministry of Environment & Natural Resources
NHIF Building
NAIROBI

Attention: Mr. G.N. Gathaara

RE: USE OF PLASTIC MATERIALS IN MANUFACTURE OF PAPER BAGS

Your letter dated 9th July 2015 refers.

Attached is the status of the National Solid Waste Management Strategy and a brief on the Taskforce currently formulating strategies on plastics management in Kenya including preparation of a draft Plastic Policy which will be available for review by 31st July 2015.

PROF. GEOFFREY WAHUNGU
DIRECTOR GENERAL

MaN/sik

BRIEF ON NEMA'S POSITION ON WASTE MANAGEMENT

The National Environment Management Authority (NEMA) is currently implementing the Environmental Management and Coordination (Waste Management) Regulations of 2006. These Regulations highlight the following key parts on waste management;

Part II – General provisions relating to responsibilities of a waste generator, segregation and transportation of waste and requirements for licencing of waste treatment and disposal sites

Part III – Industrial Wastes

Part IV – Hazardous and Toxic Wastes

Part V – Pesticides and Toxic Substances

Part VI – Biomedical Wastes

Part VII – Radioactive Substances

This Regulation is also proposed for review to be in-line with the amended Environmental Management and Coordination Act of 1999 and the National Solid Waste Management Strategy.

The Authority has been facing difficulties in getting the Counties to embrace proper waste management practices before and after devolution. In an effort to urgently address poor solid waste management, NEMA developed the ten (10) minimum requirements as a baseline for implementation by the Counties. **These included designation of waste disposal sites, securing and manning of the disposal sites and promotion of efficient collection and transportation of waste.** These requirements were expected to ensure continuous promotion of efficient solid waste management. The Authority has continuously been engaging the County Governments on these requirements to ensure they are fully implemented.

As a long term measure, NEMA has developed **The National Solid Waste Management Strategy** in fulfillment of one of Vision 2030 flagship project. The flagship project recognizes the need for efficient and sustainable waste management systems to be established as the country develops into a new industrialized state by 2030

This Strategy will therefore build on the above on-going waste management efforts towards the attainment of full compliance in sustainable waste management solutions which will enhance a clean and healthy environment for all.

This strategy is to be implemented through seven (7) key objectives.

1. To formulate policies, legislations and economic instruments to reduce waste quantities.
2. To inculcate responsible public behavior on waste management.
3. To promote waste as an income generating venture.
4. To promote waste segregation at source.
5. To promote resource recovery for materials.
6. To promote resource recovery through energy generation.
7. To establish environmentally sound infrastructure and systems for waste management.

Key approaches to implementing the strategy

Depending on the situational analysis of the waste management practices in a county, the strategy will be implemented using the following approaches;

The 3rd Meeting was held on 16th January 2015 at NEMA. The stakeholders present in the meeting were from Retail and Trade Association of Kenya, clean shelf supermarket, Kenya Association of Manufactures, Kenya Bureau of Standards, Naivas Supermarket, and Ministry of health. Tasks were assigned to the members in groups as follow;

Taskforce - GROUP 1	Tasks assigned
Retrak NCC Naivasha Supermarkets NEMA	To draft a road map on the taskforce's work
Taskforce - GROUP 2	Tasks assigned
KeBs MEWNR MoH NEMA AG's Office Ministry of Industrialization KAM National Treasury Council of Governors Secretariat	<ul style="list-style-type: none"> - Review of the KIPRA report; - Policy review on plastics; - Green levy; - Draft charge on Plastic carrier bags; - Linkage with the County Governments.

The 4th meeting was held on the 30th June 2015 at NEMA. The following way forward was agreed upon in the meeting:

No.	Tasks	Action by;
1.	Draft plastic policy by the next meeting in July	KAM&KEPSA
2.	Presidential round table on the plastic levy and use of the levy <ol style="list-style-type: none"> i. The team to come up with a document which shall be presented by the sector committee to the Ministerial Stakeholder Forum(M.S.F) ii. The team shall update the committee members on the progress of the presidential round table document before the next presidential round table meeting 	KEPSA &KAM
3.	Possible bench marking in the region (Rwanda/Uganda)	NEMA&KEBS
4.	The output of Retailers and Manufactures on management of plastics in <ol style="list-style-type: none"> i. Retrak to meet with NEMA Director General on 9th July 2015 to create awareness for members to adopt Nakumatt Model ii. Supporting a policy that will initiate the selling of carrier bags by retailers to shoppers as done in other developed countries to discourage and limit use of plastic carrier bags and promote reuse and recycling of plastic bags in the long run 	RETRAK&KAM
5.	Cap on licencing of new plastic industries and encourage the old industries to do research and development on biodegradable packaging paper.	NEMA/KEPSA & KAM
6.	Awareness campaign on plastic management	NEMA



MINISTRY OF ENVIRONMENT, WATER AND NATURAL RESOURCES
STATE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES

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Email: psoffice@environment.go.ke
When replying please quote:

NHIF BUILDING
RAGATI ROAD
P.O. BOX 30126
00100-NAIROBI

Ref: DENR/ADM/C/9 Vol.II

Date: July 9, 2015

The Director-General
National Environment Management Authority
P. O. Box 67839-00200
NAIROBI

USE OF PLASTIC MATERIALS IN MANUFACTURE OF PAPER BAGS

This is further to our letter Ref. No. DENR/EMC/41 of 21st August 2014 on stoppage of use of plastic carrier bags in Kenya (copy attached).

During a Special Cabinet Meeting 2015 held on 11th June 2015, the Cabinet discussed the use of plastic materials in manufacture of paper bags with a view to averting the plastic carrier bags menace in the country. The Cabinet agreed that making biodegradable paper material would be the better option as it is safer to the environment.

Consequently, the Cabinet has directed the Ministry of Environment, Water and Natural Resources and the National Treasury to develop a policy framework that will encourage use of paper instead of plastics.

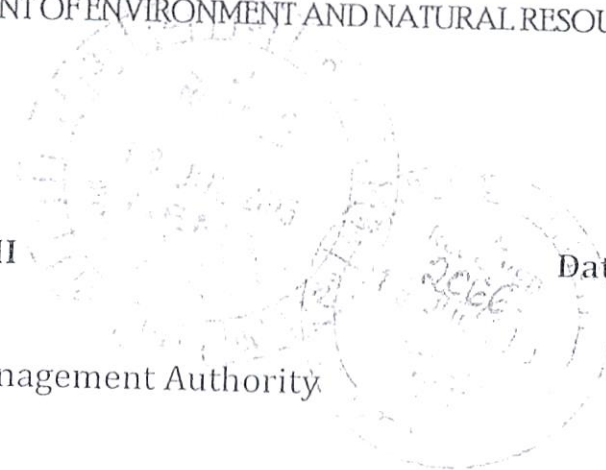
The purpose of this letter is to call upon you to establish a Technical Committee to come up with a draft policy for discussion by an Inter-Ministerial Committee, including the National Treasury, in two weeks' time.

You are requested to expedite this action.

G. N. Gathaara
For: PRINCIPAL SECRETARY

Encl.

c.c. Principal Secretary - for information



Handwritten notes:
Accounts have
been checked
14/7/15

Ministry of Environment, Water and Natural Resources
 State Department of Environment and Natural Resources
 P.O. Box 30128-00100, NAIROBI

**CONSERVATION SECRETARY
 RECEIVED**



THE PRESIDENCY
 EXECUTIVE OFFICE OF THE PRESIDENT
 CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Telegraphic Address
 Telephone: +254-20-2227436
 When replying please quote

SECRET

STATE HOUSE
 P.O. Box 40530-00100
 NAIROBI, KENYA

Ref. No. OP/CAB.58/4A
 and date

11th June, 2015

20.....

Dr. Richard Leresian Lesiyampe, MBS
 Principal Secretary – Environment and Natural Resources
 Ministry of Environment, Water and Natural Resources
 NAIROBI

Dr. Kamau Thugge, EBS
 Principal Secretary
 National Treasury
 NAIROBI

Dear *Dr. Lesiyampe,*

RE: USE OF PLASTIC MATERIALS IN MANUFACTURE OF PAPER BAGS

I refer to the **Special Cabinet Meeting 2015**, held on 11th June, 2015 during which Cabinet discussed the above issue under **Any Other Business**.

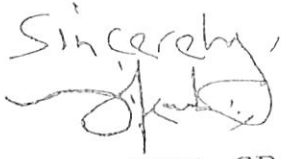
Cabinet agreed that the best strategy to deal with the plastic carrier bags menace lies in making biodegradable paper material. The Government should therefore make paper affordable than plastic as it is safer to the environment.

Cabinet therefore:

- (i) **Directed** the Cabinet Secretary for Environment, Water and Natural Resources and the Cabinet Secretary for the National Treasury to develop a Policy framework that will encourage use of paper instead of plastics.
- (ii) **Directed** the Cabinet Secretary for Environment, Water and Natural Resources and the Cabinet Secretary for the National Treasury to take appropriate action.

Please proceed and initiate action as directed by the Cabinet.

Yours

Sincerely,


JOSEPH K. KINYUA, CBS
CHIEF OF STAFF AND HEAD OF THE PUBLIC SERVICE

Copy to:

Prof. Judi Wangalwa Wakhungu
Cabinet Secretary
Ministry of Environment, Water and Mineral Resources
NAIROBI.

Mr. Henry K. Rotich
Cabinet Secretary
The National Treasury
NAIROBI.

ATTENDANCE SCHEDULE FOR A MEETING ON PLASTICS MANAGEMENT IN KENYA AT THE NEMA MAIN BOARD ROOM ON 30TH JUNE 2015

NO	NAME	COUNTY/DEPARTMENT	DESIGNATION	CELL PHONE NO	EMAIL	SIGNATURE
1.	DG.					
2.	Immaculate Simiyu	NEMA	CEO	0720 954100	imimiyu	
3.	DAVID ATIRBE	INDUSTRIALIZATION	AD/Industrialization	0721313286	atirbe@kenya.gov.ke	
4.	Wambui Abour	RETRAK	CEO	07213672595	ceowambui@gmail.com	
5.	GEORGINA WACHUKA	KARI-KISUMU ENVIRONMENTAL COMMITTEE	Executive Officer	0722348110	georgina.wachuka@kari-ke.com	
6.	Pauline Ngari	M.O.H	ALPHO	0720 370858	pnngari9@gmail.com	
7.	Janet Rusingi	Kari-Kisumu	Plastic Waste	0720 415557	Janet.rusingi@kari-ke.com	
8.	Suresh Lalit	KEPSA / KAM	Chairman Self-emp.	0725 249249	suresh@eleken.co.ke	
9.	Albert Nyagochi	KEBS NEMA	MANAGER CHEM STAS	0722705856	nyagochi@kebs.org	
10.	ANN NYAGUCHA	NEMA	MANAGER CHEM STAS	0708164422	annnyagucha@gmail.com	

ATTENDANCE LIST ON STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA HELD IN BLOCK 'C'

CONFERENCE ROOM 16TH JANUARY 2015

To read Management of plastic carrier bags.

Attendance list

No.	Name	Organization	Email Address	Tel.
1.	Pauline K. Ngugi	Ministry of Health	Pauline.kngugi@gmail.com	0722378557
2.	GEORGINA WACHUKA	KENYA ASSOCIATION OF MANUFACTURERS	georgina-wachuka@kam-co.ke	0722348110 07220
3.	WILLY KIMANI	RETRAK	director@retrak-co.ke	0722952021
4.	LINET MWANGI	NAIVAS LTD	linetmwangi@naivas-co.ke	0724973064
5.	ALBERT NYALUCHI	KEFA	nyaluchi@kefa.org	0722735816
6.	Michael Njorji	Chemtech Corporation Ltd	richardnyaluchi@chemtech-co.ke	0795769633
7.	JUMA ROBERT	KAM	Robert.Juma@kam-co.ke	0722415387
8.	Gideon Rotich	NEMA	grotich@nema.go.ke	0720305039
9.	Paul Kere	MEWNR	paykera@gmail.com	0722886145
10.	Immaculate Simiyu	NEMA	isimiyu@nema.go.ke	0720357160
11.				
12.				

With Compliments from the desk of Director General



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Fax: +254 20 60089973 Website: www.nema.go.ke

REPORT ON THE STOPPAGE OF PLASTIC CARRIER BAGS IN KENYA BY 1ST JANUARY, 2015.

The Principal Secretary in the Ministry of Environment Water and Natural resources gave the Director General NEMA, together with Mr Paul Kere director Policy and I the above mandate to constitute a taskforce which will develop terms of reference for a committee to develop and implement a strategy / action plan on how to stop use of plastic carrier bags in Kenya by 1st January, 2015 through the letter referenced DENR/EMC/41 dated 21st August, 2014.

A first meeting was held on 25th August 2014 at the Water Towers Agency office. After lengthy deliberations, the members came up with the following recommendations:

1. The Committee to be broadened to include other key stakeholders if implementation of this agenda is to be achieved. The following state departments were proposed to be included;
 - i. Treasury
 - ii. Industrialization
 - iii. Attorney General
 - iv. Public Health
 - v. Kenya Bureau of Standards
 - vi. Nairobi City County Government and any other that will be deemed relevant in the course of time,
2. The Terms of Reference to be expanded to include other Plastics like the flimsy ones which are also an environmental hazard;
3. NEMA to provide the current status and update of events until the 30micron agreement to the committee, this will assist the committee to gauge the best approach to use, either the financial order through taxation or EMCA 1999.
4. The Chairman to write to the new members and call them for a meeting within 2 weeks from that date.

The DG NEMA, then invited the new members for the 2nd meeting which was held on 10th November, 2014 at NEMA headquarter with a 19 member committee (minutes attached). This meeting resolved the following:

1. The issue is not plastic but the management hence the committee to look at the available By laws, policies, technical issues and the status of the EAC.
2. Green levy fund to be started. This can be a revolving fund which will finance the management of plastics. It can be charged to the manufacturers of plastics to help in recycling of plastics.
3. Nairobi County and NEMA and Kebs had started the phasing out of plastics but it stalled at the ministry level. An MOU was drafted which detailed a PPP approach. This PPP should be reviewed and a 2 page brief prepared on the status by the above organizations. KAM to be included in this review.
4. Government to be aggressive in informing the public and encouraging recycling while the public sector to come up with communication and education strategies for the public.
5. The Nairobi county government to develop a littering policy and enforce laws on plastics.
6. Other policies on reducing the usage of plastics by 15% to be developed and Charge the consumer for packaging. Other alternatives like blue and green bags made of chute to be promoted. Unga bails and cartons also be promoted.
7. A policy on plastics should cut across from mama 'mboga' to the mega supermarkets.
8. The issue of plastics to be looked at as a investment strategy and a recycling plan to be used. Contracts on waste management to be given to the youths.
9. KIPRA did a research on plastics. It showed that plastics are 11% of the waste in Nairobi. This research should also be looked into.
10. The chairman (DG NEMA) to enforce the laws and give the implementation start date of the above recommendations.
11. A directive should be given whereby no shopper should be given a plastic bag for free.

From the above resolutions the following way forward was drawn

1. Green levy to be set up
2. County government to give a startup date.
3. The Committee to be split into 2 groups to work on the road map and review of the documents.
4. Mr Nkako to take up chairmanship while the DG NEMA to remain a co chair
5. KAM and Kepsa to be invited for the next meeting while COFEK to be invited at a later stage.
6. NEMA to coordinate the venues for the two groups to meet.
7. A road map must be presented to the PS in January 2015 giving the progress so far.

In preparation of the progress report the committee held a meeting on 16th January 2015 (minutes attached) and recommended the following plan of action.

Group 1 to meet and finalize the road map;

Group 2 to meet and

- Review the KIPRA report
- Policy review on plastics
- Green levy
- Draft the charge on plastic carrier bags
- Linkage with the County government

The output of the above meetings is to;

1. Set up the green levy on plastics
2. Develop a policy on plastic usage / management which will stipulate charges on plastics, how to tax the plastics
3. Start linkages with the County governments by developing mechanisms of supporting them on management of the plastics.

Lastly, the members felt that the subject matter being '**Stoppage of use of plastic carrier bags in Kenya**' be replaced with '**Management of use of plastic carrier bags in Kenya**' because the mandate has changed.

Report compiled by

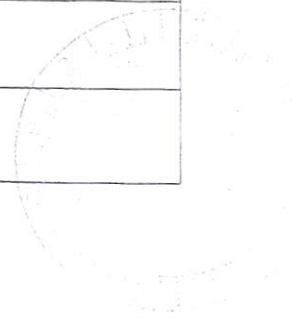
Mr Francis Nkanko Date

Prof Geoffrey Wahungu Date.....

ATTENDANCE LIST ON STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA HELD IN THE MAIN BOARDROOM 18TH NOVEMBER 2014

Attendance list

No.	Name	Organization	Email Address	Tel.	
1.	Mustafa Nassidine	Refra - Lavago	mustafa.nassidine@refra.co.ke	077140791	Mustafa
2.	Michael Njiru	CleanShelf Supermarket	Michaelnjiru@owanshelf.co.ke	0726769055	Michael
3.	George Maraboto	MOJIB	gmaraboto@gmail.com	072154072	George
4.	Francis Njirũ	KWITA	molenk-wk@gmail.com	0720112051	Francis
5.	Albert Nyagechi	KEBS	Nyagechi@kebs.org	0722725516	Albert
6.	Pauline K. Ngarĩ	Moh	pnngari@gmail.com	0720370855	Pauline
7.	Njeri Mwangi TRM	NAKUMATT		073362393	Njeri
8.	Immaculate Simiyu	NEMA	isimiyu@nema.go.ke	0720357150	Immaculate
9.					
10.					



ATTENDANCE LIST ON STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA HELD IN THE MAIN

BOARDROOM 17TH NOVEMBER 2014

Attendance list

No.	Name	Organization	Email Address	Tel.
1.	H.K. MBUTI	NCC	kimanihumphrey@yahoo.co.ke	0733551789
2.	Linet Mwangi	Naivas	Linetmangi@naivas.co.ke	
3.	Willy Kimani	Retrak	directors@retrak.co.ke	07229132001
4.	Pauline Njoroge	ALOH	progam@gmail.com	0720390558
5.	Paul Kibwe	MENKRA	pkibwe@gmail.com	0722586445
6.	James Macharia	Retrak - Jomoni	James@retrak.co.ke	0722935550
7.	Anthony Wanjau	NEMA	awanjau@nema.go.ke	0722989943
8.	Humbiri Mbariza	Retrak	ceo@retrak.co.ke	0721362895
9.	Immaculate Simiyu	NEMA	isimiyu@nema.go.ke	0720357160
10.				

**MINUTES ON STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA
MEETING HELD ON 10TH NOVEMBER, 2014 AT NEMA HEADQUARTERS,
MAIN BOARD ROOM.**

MEMBERS PRSENT

No.	Name	Organization	Email Address	Tel.
1.	Francis Nkako	KWTA	molenkako@gmail.com	0720712051 Chairing
2.	G. Wahungu	NEMA	dgnema@nema.go.ke	Co chair
3.	Wambui Mbarire	Retrak	ceo@retrak.co.ke	0721362895
4.	James Macharia	Retrak- Tumaini	james@tumaini.co.ke	0722938884
5.	Mustafa Dossajee	Retrak-Lavage	Mustafa@lavage-dajdecesion	0771446799
6.	Michael Njeru	Cleanshelf supermarkets	michaelnjeru@cleanshelf.co.ke	0726769633
7.	Immah Simiyu	NEMA	isimiyu@nema.go.ke	0720357160
8.	Anthony Waswa	NEMA	awaswa@nema.go.ke	0722989943
9.	Anne Theuri	NEMA	atthuo@yahoo.com	0702335172
10	Albert Nyagechi	KEBs	nyagechia@kebs.org	0722725856
11	TRM	Nakumatt		0733623931

12	George Makateto	MoIED	gmakateto@yahoo.com	0721540792
13	Paul Kere	MEWNR	pagkere@gmail.com	0722886145
14	Linnet Mwangi	Naivas	Lnmwangi@naivas.co.ke	
15	H.K. Mbuti	NCC	kimanihumphrey@yahoo.co.uk	0733851789
16	Willy Kimani	Retrak	directore@retrak.co.ke	0722952021
17	Francis Nkako	KWTA	molenkako@gmail.com	0720712051
18	G. Wahungu	NEMA	dgnema@nema.go.ke	
19	Pauline K. Ngari	M.o.H	pngari9@gmail.com	0720370858

Apologies

1. Njeri Mwangi Ag Chambers

Agenda

1. Develop Terms of Reference for stoppage of use of carrier plastic bags
2. Develop an implementation Strategy/ Action plan on how to stop use of plastic carrier bags by 1st January 2015.
3. A.O.B

Preamble/Opening remarks

The chairman opened the meeting at 10.26am. He then gave an apology for the delay of the meeting due to the chairman (DG Nema) being held at the Ministry in another meeting.

The secretary gave the members a background of the agenda by explaining that this is the second meeting on the issue of stoppage of use of carrier bags in Kenya by 1st January 2015. She explained that this meeting was part of the recommendation of the 1st meeting held which was to increase the committee by including all the other

stakeholders dealing with plastics and also expand the terms of reference to include the flimsy plastics.

Min 1- 10/11/ 2014 Development of Terms of Reference on Stoppage of Plastic Carrier Bags

The chairman invited comments from the members.

Nakumatt – Explained that a lot of studies have been done worldwide on plastics and there is no biodegradable plastic. He explained that over 1 million plastics are used per year and phasing them out is impossible. Alternatives and solutions for plastics must be found before they are phased out and the cost implications too.

Kebs – Observed that the issue of plastic is poor management and not the plastic itself hence the plastics are not illegal. When plastics are banned the cost of things goes up. He explained that plastics have had a long history; this was a very hot issue at the EAC in 2008 when they tried to debate it. Kenya alone has 120 companies dealing with plastic and by phasing them out will impact negatively to the economy. The city council tried in 2010 but was unable because of all those logistics. Hence the taskforce then started by trying to enforce 30 micron and above but still failed. An MOU was signed which stipulated a green levy on manufacturers and not excise duty. This was done for a few months then failed. Kebs has now settled for 10 microns.

Industrialization- Also observed that the issue is management of the plastic and not the plastic itself. At the EAC banning was tried but it didn't work hence a better strategy should be devised to deal with the plastic. He suggested the country to adapt the initiative of the Nairobi County which has the 3 bins.

Health – Explained that we cannot be in a position for a total ban. Other plastics to be included as well. It requires a time plan while we look for alternatives and suggest what the retailer can avoid.

NEMA Waswa- Observed that phasing them out is a tall order. We need to define our starting point by giving alternatives. Consideration should start by minimizing on the carrier bags at the points of outlet.

Nairobi County – Explained that they had been working on a bill on banning plastics but it has been put on hold currently. However he will keep updating the committee on the status.

Retrak – Explained that Rwanda banned plastics and have a success story. This could be because it is small and have different consumer habits. Wambui observed

that the consumer should be educated on the 3 Rs and selling the carrier bag will encourage re-use and reduce. Other members also observed that the January 1st deadline is not feasible but instead strategies to reduce usage be adopted.

Mr Kere – Concluded by observing that it is evident that the January 1st is not feasible hence what was intended is not possible. However the committee can report back to the Principal Secretary by explaining to him why the deadline was not met and also suggest other solutions being the reduction of the usage of carrier bags. Secondly the bill at the Nairobi County can be used as part of the solution which can be replicated to the other counties as well.

Min 2 – 10/11/2014 Recommendations

1. The issue is not plastic but the management hence the committee to look at the available By laws, policies, technical issues and the status of the EAC.
2. Green levy fund to be started. This can be a revolving fund which will finance the management of plastics. It can be charged to the manufacturers of plastics to help in recycling of plastics.
3. Nairobi County and NEMA and Kebs had started the phasing out of plastics but it stalled at the ministry level. An MOU was drafted which detailed a PPP approach. This PPP should be reviewed and a 2 page brief prepared on the status by the above organizations. KAM to be included in this review.
4. Government to be aggressive in informing the public and encouraging recycling while the public sector to come up with communication and education strategies for the public.
5. The Nairobi county government to develop a littering policy and enforce laws on plastics.
6. Other policies on reducing the usage of plastics by 15% to be developed and Charge the consumer for packaging. Other alternatives like blue and green bags made of chute to be promoted. Unga bails and cartons also be promoted.
7. A policy on plastics should cut across from mama mboga to the mega supermarkets.

8. The issue of plastics to be looked at as a investment strategy and a recycling plan to be used. Contracts on waste management to be given to the youths.
9. KIPRA did a research on plastics. It showed that plastics are 11% of the waste in Nairobi. This research should also be looked into.
10. The chairman (DG NEMA) to enforce the laws and give the implementation start date of the above recommendations. A directive should be given whereby no retailer should be given a plastic bag for free.

WAY FORWARD

1. Green levy to be set up
2. County government to give a startup date.
3. The Committee to be split into 2 groups to work on the road map and review of the documents.
4. Mr Kere to take up chairmanship while the DG NEMA to remain a co chair
5. KAM and Kepsa to be invited for the next meeting while Kophek to be invited at a later stage.
6. NEMA to coordinate the venues for the two groups to meet.
7. A road map must be presented to the PS in January 2015 giving the progress so far.
8. Next meeting will be called after the reports from the groups meeting.

GROUP 1	MANDATE
<ol style="list-style-type: none"> 1. Chairman- Willy Kimani <i>-Debraak</i> 2. H. K Mbuti <i>-NCC</i> 3. Mustaffa Dossaj <i>-Debraak-lawyer</i> 4. Linet Mwangi <i>-Narva sh</i> 5. Wambui Mbarire <i>-Debraak</i> 6. Immaculate Simiyu <i>-NEMA</i> 	<p>To draft the road map by having a meeting on Tuesday 18th November 2014</p>

GROUP 2	MANDATE
1. Chairman – Albert Nyagechi – <i>KEBS</i> 2. Paul Kere – <i>MEW&D</i> 3. Pauline Ngari – <i>M&H</i> 4. Willy Kimani – <i>Group 1</i> 5. Ann Theuri – <i>NEMA</i> 6. Antony Waswa – <i>NEMA</i> 7. Njeri Mwangi – <i>Atorney general</i> 8. George Makateto – <i>Industrialization</i> 9. Susan boeng – <i>M&H</i> 10. H-K Mbuti 11. KAM 12. National treasury 13. Council of secretariat of governors	1. Review the KIPRA report 2. Policy review on plastics 3. Green levy 4. Draft the charge on plastic carrier bags 5. Linkage with the County government To meet in NEMA on Monday 17 th November, 2014 at 9am.

There being no other agenda, the meeting ended at 1.20 pm

Minutes approved for circulation

Sign

Chairman..... Date.....

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9. KIPRA did a research on plastics. It showed that plastics are 11% of the waste in Nairobi. This research should also be looked into.
10. The chairman (DG NEMA) to enforce the laws and give the implementation start date of the above recommendations.
11. A directive should be given whereby no shopper should be given a plastic bag for free.

WAY FORWARD

1. Green levy to be set up
2. County government to give a startup date.
3. The Committee to be split into 2 groups to work on the road map and review of the documents.
4. Mr Nkako to take up chairmanship while the DG NEMA to remain a co chair
5. KAM and Kepsa to be invited for the next meeting while COFEK to be invited at a later stage.
6. NEMA to coordinate the venues for the two groups to meet.
7. A road map must be presented to the PS in January 2015 giving the progress so far.
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GROUP 1	MANDATE
<ol style="list-style-type: none"> 1. Chairman- Willy Kimani 2. H. K Mbuti 3. Mustaffa Dossaj 4. Linet Mwangi 5. Wambui Mbarire 6. Immaculate Simiyu 	<p>To draft the road map by having a meeting on Tuesday 18th November 2014</p>

GROUP 2	MANDATE
<ol style="list-style-type: none"> 1. Chairman – Albert Nyagechi 2. Paul Kere 3. Pauline Ngari 4. Willy Kimani 5. Ann Theuri 6. Antony Waswa 7. Njeri Mwangi 8. George Makateto 9. Susan boeng 10. H. K Mbuti 11. KAM 12. National treasury 13. Council of secretariat of governors 	<ol style="list-style-type: none"> 1. Review the KIPRA report 2. Policy review on plastics 3. Green levy 4. Draft the charge on plastic carrier bags 5. Linkage with the County government <p>To meet in NEMA on Monday 17th November, 2014 at 9am.</p>

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Sign

Chairman.......... Date..........



MINISTRY OF HEALTH
OFFICE OF THE PRINCIPAL SECRETARY

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Ref. No. MOH/ADM/1/2

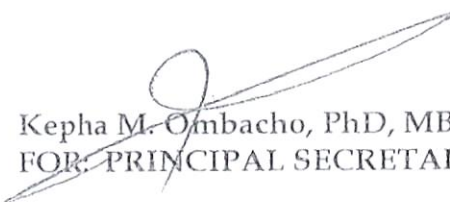
5th November 2014

Prof. Geoffrey Wahungu
Director General,
National Environment Management Authority (NEMA),
P.O Box 67839 - 00100,
NAIROBI

RE: NOMINATION OF MRS PAULINE K. NGARI TO THE COMMITTEE TO COORDINATE IMPLEMENTATION OF THE STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA.

Reference is made to your letter referenced NEMA/14/6/VOL III dated 29th October 2014 on the above matter.

Mrs Pauline K. Ngari has been nominated to be a member in the committee to coordinate implementation of the decision to stop use of Plastic Carrier Bags in the country. By copy of this letter the officer is advised to attend all the necessary meetings of the committee and articulate the ministerial interest in this committee. She is expected to give feedback to the nominating authority.


Kepha M. Ombacho, PhD, MBS
FOR: PRINCIPAL SECRETARY

Copied to: Pauline K. Ngari
ACPHO



3

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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website: www.nema.go.ke

NEMA/14/6/VOL.XIII

5th November 2014

Mr. Francis M. Nkako
Ag. Director General
Water Towers Authority
P.O. Box 42903-00100
NAIROBI

Mr. Paul Kere
The Director Policy Formulation
State Department of Environment
Ministry of Environment Water and Natural Resources
NHIF Building
NAIROBI

Dear Colleagues,

RE: STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA

Following the meeting that we held in the Kenya Water Towers Agency headquarters on the 25th August 2014 on the above subject, I now invite you for the 2nd meeting at the NEMA boardroom on *10th November 2014 at 9.00am.*

The main agenda of this meeting is to develop the Terms of Reference for developing and implementing a strategy/action plan on how to stop use of plastic carrier Bags by 1st January, 2015. Another outcome of the first meeting was to expand this committee if implementation of this agenda is to be achieved. We proposed several suitable key stakeholders (refer to the attached minutes), and I have requested the Principal Secretaries of this ministries to nominate suitable officers to be part of this committee and also attend this meeting.

Looking forward to your distinguished presence in this meeting.

Yours sincerely

PROF. GEOFFREY WAHUNGU
DIRECTOR GENERAL

IS/sk



nema
National Environment Management Authority

2

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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E-mail: dgnema@nema.go.ke
website: www.nema.go.ke

NEMA/14/6/VOL III

29TH October, 2014

Dr. Kamau Thugge
Principal Secretary
The National Treasury ✓
Treasury Building,
Harambee Avenue
NAIROBI

Dr. Wilson Songa
Principal Secretary
Ministry of Industrialization
& Enterprise development
Social Security House
NAIROBI.

Prof. Githu Muigai
Attorney General
Office of the Attorney-General ✓
& the Department of Justice
NAIROBI

Mr. Kepha M. Ombacho
Chief Public Health
Department of Environmental Health
& Sanitation (DEHS)
NAIROBI

1 | Page

Managing Director,
Kenya Bureau of Standards
Popo Road, Off Mombasa Road
NAIROBI

Dr. Evans Kidero
Governor,
Nairobi City County
NAIROBI

CEO
Retail and Trade Association of Kenya
NAIROBI

Dear Sir/Madam

RE: STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA

The Government is concerned by the extensive environmental pollution in the countryside and especially in urban areas arising from poor enforcement of regulations or control on disposal of Plastic Carrier Bags.

Following public outcry on the matter, the Government has decided to work out a programme to phase- out the use of Plastic Carrier Bags in Kenya with effect from 1st January, 2015.

Your institution has been identified as a key stakeholder in the above issue hence the need to incorporate you in a committee to coordinate implementation of the decision to stop use of Plastic Carrier Bags in the country.

The purpose of this letter is to request you to nominate an experienced and relevant officer to participate in a meeting on 10th November 2014 at 9.00am in the NEMA main boardroom.

The aim of the meeting will be to come up with Terms of Reference for the committee for developing and implementing a strategy/ action plan on how to stop use of Plastic Carrier Bags by 1st January, 2015.

Please confirm attendance to the following email addresses; dgnema@nema.go.ke copied to waste@nema.go.ke or to the following mobile phone numbers 0722 626766 and 0720305039.

Yours Sincerely











Prof. Geoffrey Wahungu
DIRECTOR GENERAL NEMA.

ATTENDANCE LIST ON STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA HELD IN THE MAIN

BOARDROOM 10TH NOVEMBER 2014

Attendance list

No.	Name	Organization	Email Address	Tel.	Sign
1.	IR M	Nakumatt		0733622931	
2.	George Makateh	MOFD	gmakateh@yahoo.com	0721540792	
3.	Paul Kere	MEWNR	pagkere@gmail.com	0722886145	
4.	Linet Mwangi	NAIVAS	lnmwangi@naivas.co.ke		
5.	H. K. msick	n/c	hmanhughes@yahoo.com	073351789	
6.	Willy Kimani	KIRAKA	direct@retail.co.ke	0722212021	
7.	Francis Nkomo	KWTA	nkomo@kwta.co.ke	0720712051	
8.	G. Wachoya	NETMA	gwachoya@netma.org.ke		
9.					
10.					
11.					
12.					

ATTENDANCE LIST ON STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA HELD IN THE MAIN

BOARDROOM 10TH NOVEMBER 2014

Attendance list

No.	Name	Organization	Email Address	Tel.	Sign
1.	Pauline K. Ngari	M.O.H	pnngari@gmail.com	0720370858	
2.	Wambani Mbatia	RETRAK	ccc@retrak.co.ke	0721362895	
3.	James Mutua	RETRAK - Tumani	James@tumani.co.ke	0722 938884	
4.	Mustafa Dossajee	Retrak - Lavage	mustafa@lavage-dogderes.com	0771446799	
5.	Michael Njeru	CleanSheff Supermarkets Ltd	michaelnjeru@cleansheff.co.ke	0726 769633	
6.	Immaculate Simiyu	NEMA	Isimiyu@nema.go.ke	0720357160	
7.	Anthony Waswa	NEMA	awwaswa@nema.go.ke	0722 989943	
8.	Anne Theroi	NEMA	atthero@yghw.com	0702335172	
9.	Albert Nyagochi	NEMA ICBIS	nyagochia@icbis.org	0722725821	
10.					
11.					
12.					

**MINUTES ON THE STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA
ON 25TH AUGUST 2014 IN THE KENYA WATER TOWERS AGENCY
HEADQUARTERS**

MEMBERS PRESENT

1. Prof. Geoffrey Wahungu DG – NEMA - Chairing
2. Mr. Francis M. Nkako Ag. CEO KWTA
3. Mr. David Rono MEWNR

IN ATTENDANCE

1. Ms Immaculate Simiyu NEMA - taking minutes

ABSENT WITH APOLOGY

1. Mr. Paul Kere MEWNR

AGENDA

Develop Terms of Reference for the committee for developing and implementing a strategy/ action plan on how to stop use of Plastic Carrier Bags by 1st January, 2015.

Preamble/ Opening remarks

The chairman opened the meeting at 10.20. He informed the members that this is a committee appointed by the Principal Secretary MEWNR to coordinate implementation of the decision to stop use of Plastic Carrier Bags in the country with effect from 1st January, 2015. This he explained was due to the public outcry arising from extensive environmental pollution in urban areas either as a result of poor enforcement of regulations or control on disposal of Plastic Carrier Bags.

Min 1- 25/8/14 Development of Terms of Reference on stoppage of Plastic Carrier Bags

The chairman invited observations from the members. Mr Nkanko informed the meeting that already technical issues had been done and the Country had agreed and settled on 30 micron gauge for all plastics in the country. Anything below that

was banned. He observed that it would be prudent to be clear with the starting point so that there is no repetition. The Chairman explained that similar initiatives are going on with other organizations like the County Government of Nairobi which is already drafting a bill on control of Plastic carrier bags, hence the need to synergize.

After lengthy deliberations, the members were in agreement on the following resolutions;

1. This Committee needs to be broadened to include other key stakeholders if implementation of this agenda is to be achieved. The following state departments were proposed to be included;
 - i. Treasury
 - ii. Industrialization
 - iii. Attorney General
 - iv. Public Health
 - v. Kenya Bureau of Standards
 - vi. Nairobi City County Government and any other that will be deemed relevant in the course of time,
2. The Terms of Reference to be expanded to include other Plastics like the flimsy ones which are also an environmental hazard;
3. NEMA to provide the current status and update of events until the 30micron agreement to the committee, this will assist the committee to gauge the best approach to use, either the financial order through taxation or EMCA 1999.
4. The Chairman to write to the new members and call them for a meeting within 2 weeks from this date.

There being no other agenda, the meeting ended at 11.30am.

Minutes Approved for circulation

Signed:

Chairman Date



K/L



MINISTRY OF ENVIRONMENT, WATER AND NATURAL RESOURCES
State Department of Environment and Natural Resources
Office of the Principal Secretary

Telegrams: "NATURE", Nairobi
Telephone: 254-20- 2730808
Fax: 254-20- 2734722
Email: psoffice@environment.go.ke

N.H.I.F BUILDING
RAGATI ROAD
P.O.BOX 30126-00100
NAIROBI

Ref: DENR/EMC/41

21st August, 2014

Prof. Geoffrey Wahungu
Director General
National Environment Management Authority
P. O. Box 67839-00200
NAIROBI

Mr. Francis Mapelu Nkako
Chief Executive Officer
Kenya Water Towers Agency
NHIF Building
NAIROBI

Mr. Paul Kere
Director
Policy Formulation and Implementation
Ministry of Environment, Water and Natural Resources
NAIROBI

RE: STOPPAGE OF USE OF PLASTIC CARRIER BAGS IN KENYA


The Government is concerned by the extensive environmental pollution in the countryside and especially in urban areas arising from poor enforcement of regulations or control on disposal of Plastic Carrier Bags.

Following public outcry on the matter, the Government has decided to work out a programme to phase-out the use of Plastic Carrier Bags in Kenya with effect from 1st January, 2015.

The purpose of this letter is therefore to appoint you to a committee to coordinate implementation of the decision to stop use of Plastic Carrier Bags in the country.



The Director General NEMA, Prof. Geoffrey Wahungu is called upon to chair a meeting on Monday 25th August 2014 at 10.00 a.m. in the office of the Conservation Secretary at NHIF Building, 12th Floor. The aim of the meeting shall be to come up with Terms of Reference for the committee for developing and implementing a strategy/action plan on how to stop use of Plastic Carrier Bags by 1st January, 2015.



Richard L. Lesiyampe, PhD, MBS
PRINCIPAL SECRETARY

CC: Environment Secretary
Conservation Secretary

} You are to follow up on this matter

Minutes of the Plastics Technical Committee meeting held on 29th February 2012 at KEBS centre

PRESENT

1. MILTON OMBALLAH-CHAIR
2. CHRISTINE AJULU
3. MUGAMBI MUTETHIA
4. LYDIA KAMAU
5. SAMUEL MUNENE
6. MUTUNGA MWAI
7. VINAY SHAH
8. ABUBAKAR LAVING
9. MANISH PATEL
10. GAUTAM PATEL
11. SIMON N SUNGUTI
12. MINOJ SAHU
13. BEJU HARKE
14. ALBERT NYAGECHI-SECRETARY

ORGANIZATION

- KIRDI
- CIN
- KEBS
- DECASE CHEMICALS
- NEMA
- NEMA
- KINGPLASTIC IND.
- PACKAGING MFGS (1976) LTD
- PACKAGING MFGS (1976) LTD
- POLYTHENE INDUSTRIES LTD
- GOVT. CHEMISTS DEPT
- LANEEB LASTICS LTD
- PIL
- KEBS



APOLOGIES

1. BIMAL KANTARIA

ELGON KENYA

MIN 1/2012. OPENING REMARKS

The meeting was called to order at 9.45am upon which members introduced themselves and welcomed by the secretary.

MIN 2/2012 CONFIRMATION OF AGENDA

An additional item on balloting of standards was added to the agenda as item number 5 of the agenda before it was confirmed.

MIN 3/2012. DISCUSSION OF PUBLIC REVIEW COMMENTS

The secretary noted that the standards listed below were circulated for public review from 22nd December 2011 to 22nd February 2012 and no comments were received

- i) KS 2359 Polystyrene (crystal and high impact) for its safe use in contact with foodstuffs, pharmaceuticals and drinking water — Specification
- ii) KS 2361 Positive list of constituents of polystyrene (crystal and high impact) in contact with foodstuffs, pharmaceuticals and drinking water
- iii) KS 2362 Polyvinyl chloride (PVC) and its copolymers for its safe use in contact with foodstuffs, pharmaceuticals and drinking water – Specification

With no comments received, the standards were approved for balloting

MIN 4/2012 BALLOTING OF STANDARDS

The listed standards listed in MIN 3/2012 were approved for balloting and secretariat to distribute the ballot forms filling and returning to KEBS for records purposes.

MIN 5/2012. DELIBERATION OF POLYTHENE BAGS STANDARD

The secretariat informed the members that there have been divergent opinions with regard to this specification with especially to do with which range of bags are covered by the standard and also with regard to the thickness of the bags. Some quarters are of the view that the thickness has no role in the quality of the standard whereas others indicate that thickness is relevant in so far as environment conservation is concerned.

Mr. Manoj Sahu of Laneeb industries took the committee through a power point presentation to demonstrate the industry's rationale of reducing the thickness from the current 30 microns to 10 microns. The power point presentation is annexed to these minutes.

There were further discussions after the presentation and it was finally resolved that as a way forward a working group be constituted to look at the pros and cons with regard to thickness of the bags and their impact on the environment and to give their recommendations. This is to be done through the preparation of a position paper which will then be brought before the TC for endorsement before forwarding to the relevant authority for action and probable inclusion of their findings in the specification for polythene bags for general purpose use. The WG was given a period of one month to conclude their work and present it to the TC.

Members of the working group would be drawn from

- a) NEMA
- b) KEBS
- c) KIRDI
- d) CIN
- e) MANUFACTURERS ...to be represented by Mr. Manoj Sahu
- f) KRA...to be incorporated since they are an interested party

There being no other business, the meeting adjourned at 12 noon.

Signed: _____

Date: 2012-03-01

SECRETARY

Signed: _____

Date: _____

CHAIRMAN



1

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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Popo Road, off Mombasa Road
P.O. Box 67839-00200
Nairobi, Kenya
Website: www.nema.go.ke

Date: 28th October, 2011

REF: NEMA/14/6/Vol.X

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.....
.....

Dear Sir/Madam,

REF: CONSULTATIVE MEETING BETWEEN NEMA AND PLASTIC DISPENSING OUTLETS ON PROPER MANAGEMENT AND ALTERNATIVE OPTIONS

The National Environment Management Authority is committed to providing a clean and healthy environment to all Kenyan people. To this end, the Authority has developed and gazetted several environmental regulations to provide the required procedures, standards and technologies for sound waste management in the country. The Waste Management Regulations, 2006 specifically addresses solid waste management including plastics.

Plastic manufacturing is a major economic activity in the country leading to the production of various products including hard plastics and packaging materials. The carriers bags are especially popular with supermarkets and other facilities in the service sector for packaging. Although these bags are of different gauges, the flimsy ones (below thickness of 30 microns) are easily blown off by the wind and widely dispersed, thus polluting the environment.

On the other hand, plastics are non-biodegradable and are known to remain in the environment for many years causing adverse effects such as blocking drainage systems, causing the death of animals, reducing the aesthetic value and compromising the scenic beauty of our surroundings. As a result, management of plastics is critical and requires concerted effort and participation of all relevant stakeholders in the plastic chain industry.

It is on this basis that NEMA advised against the manufacture and use of the flimsy plastics and instead recommended the use of heavier carrier bags of 60 microns. This is aimed at encouraging re-use, reducing wind dispersal and overall environmental pollution thus reducing the amount of plastic in the environment. It is important to note that supermarkets are the major dispensing outlets of plastics through packaging of assorted household goods. While this enhances hygiene standards, the excessive use of plastics has also become the main channel for release of plastics into the environment.

In this regard the Kenya Bureau of Standards (KEBS) is in the process of formulating a specific standard to manage the manufacture of plastics. However, there is urgent need to hold a consultative forum to deliberate on the modalities of reducing the use of plastics as packaging material and explore alternative options that are eco-friendly. The forum will also identify appropriate and practical incentive in the handling and management of plastics through the principle of reduce, reuse and recycle (3R). It is your corporate responsibility to contribute to a clean and healthy environment which is now a human right as stipulated in The Constitution.

The purpose of this letter is to invite you to a consultative meeting between NEMA and the Supermarkets which represent a major stakeholder in the plastic industry. The meeting is scheduled to take place at the NEMA main Board Room on 9th November 2011 starting at 10.00 AM.



DR. AYUB MACHARIA
AG. DIRECTOR GENERAL

THE EAST AFRICAN COMMUNITY

BILL SUPPLEMENT

**THE EAST AFRICAN COMMUNITY POLYTHENE MATERIALS CONTROL
BILL, 2011.**

No. 6 of 12th August, 2011.

THE FOLLOWING ARE THE MAIN OBJECTIVES OF THE BILL:

1. Establish a legal framework for the control of the use of polythene
2. Promote the use of environmental friendly package materials:
3. Preserve and promote a clean and healthy environment and land use management for sustainable development:
4. Prevent any type of pollution caused by polythene materials in lakes, rivers and oceans;
5. Protect infrastructure including drainage systems, biodiversity and livestock;
6. Brand the East African Community as green and clean.

The taskforce on Plastics Management have held four meetings and the following is the outcome;

1. To draft a plastic policy which will include the 6 objectives of the bill
2. Cap on licensing of new plastic industries and encourage the old industries to undertake research and development on bio-degradable packaging paper.

PART II - PROHIBITION AND EXCEPTION

5. (1) Use, sale, manufacturing and importation of polythene is prohibited in all the East African Community Partner States.

6, (1) Any person who wishes to use, sell, manufacture or import any polythene material specified in the schedule shall apply for a written authorization from the environment authority ...".

ENFORCEMENT OF THE BILL

8. Environment authorities or any other authorized agency in a Partner States shall enforce this Act.

On the above clauses, 5, 6, and 8 the authority has not been able to enforce because the Policy and Regulation on Polythene materials control has not been done yet.

TRANSITIONAL PROVISIONS

12. (1) The Partner States shall upon the coming into force of this Act, take such measures as may be necessary to eliminate polythene materials prohibited under this Act in their territories.

(2) For the avoidance of any doubt, the elimination of the polythene bags shall be complete in all Partner States within one year from the coming into force of this Act.

On the above, the bill came into force in August 2011 hence by August 2012 the Authority should have put down mechanisms of eliminating polythene bags from the Environment. This has not been done yet.

THE EAST AFRICAN COMMUNITY
BILL SUPPLEMENT

No. 6

12th August, 2011

to the East African Community Gazette No. 11 of 12th August, 2011.

Printed by the Uganda Printing and Publishing Corporation, Entebbe by Order of the East African Community.



THE EAST AFRICAN COMMUNITY POLYTHENE MATERIALS
CONTROL BILL, 2011

MEMORANDUM

Chapter 19 of the Treaty for the Establishment of the East African Community enjoins the Partner States to Cooperate in all issues of environmental and Natural Resources Management, while in its Article 112(1) and (2)(a),(c) and (h) urges the Partner States to adopt common environment control regulations, incentives and standards; encourage the manufacture and use of bio-degradable, pesticides, herbicides and packaging materials and to adopt common environment standards for the control of atmospheric, terrestrial and water pollution arising from urban and industrial development activities. The EAC Partner States are also signatories to various International Environment Agreements and Conventions that are intended to regulate the environment.

Polythene materials destroy the environment and its habitat and their use needs to be controlled. Polythene waste pollution has worsened these last few years due to preference for polythene as packaging material for shopping and other uses. Apart from its slow degradation rate (as long as 400 years), polythene is a source of environmental pollution.

The Object of this bill therefore, is to provide a legal framework for the preservation of a clean and healthy environment through the prohibition of manufacturing, sale, importation and use of polythene materials.

HON. PATRICIA M. HAJABAKIGA MEMBER,
East African Legislative Assembly.

East African Community Polythene Materials Control Bill, 2011

THE EAST AFRICAN COMMUNITY POLYTHENE
MATERIALS CONTROL BILL, 2011.

ARRANGEMENT OF CLAUSES

PART I—PRELIMINARY PROVISIONS

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6. Authorisation

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THE EAST AFRICAN COMMUNITY POLYTHENE
MATERIALS CONTROL BILL, 2011

A Bill for an Act

ENTITLED

THE EAST AFRICAN COMMUNITY POLYTHENE
MATERIALS CONTROL ACT, 2011

An Act to provide for the control and regulation of use, sale, manufacture and importation of polythene materials and products and for other related matters.

ENACTED by the East African Community and assented to by the Heads of State.

PART I—PRELIMINARY PROVISIONS

1. (1) This Act may be cited as the East African Short title
Community Polythene Materials Control Act, 2011.

(2) This Act shall come into force on such a date as the Council may, by notice in the Gazette appoint.

2. In this Act, unless the context otherwise requires— Inter-
pretation

“authorised officer” means staff of an environment authority in a Partner State or any other officer authorised in writing by the authority to perform duties under this Act on behalf of the environment authority;

East African Community Polythene Materials Control Bill, 2011

“Council” means the Council of Ministers of the East African Community established by Article 9 of the Treaty;

“environment authority” means a government body designated by a Partner State to deal with environment management and compliance;

“Gazette” means the Official Gazette of the Community;

“import” means to bring or cause to be brought into the territories of the Partner States, any polythene material from a foreign country;

“manufacture” means the transformation of raw material into finished goods for sale, or other use, including the intermediate processes involving the production or finishing of semi-manufactured goods;

“polythene” means a synthetic industrial product with a low density composed of numerous chemical molecules of ethane with a chemical formula: (CH₂=CH₂);

“Public Prosecutor” means the office in every Partner State responsible for public prosecutions;

“recidivism” means a habitual relapse into a similar offence;

“Treaty” means the Treaty for the establishment of the East African Community.

Objectives

3. The objectives of this Act are to—

(a) establish a legal framework for the control of the use of polythene;

East African Community Polythene Materials Control Bill, 2011

- (b) promote the use of environmental friendly package materials;
- (c) preserve and promote a clean and healthy environment and land use management for sustainable development;
- (d) prevent any type of pollution caused by polythene materials in lakes, rivers and oceans;
- (e) protect infrastructure including drainage systems, biodiversity and livestock;
- (f) brand the East African Community as green and clean.

4. This Act applies to all types of polythene materials. Application

PART II—PROHIBITION AND EXCEPTION.

5. (1) Use, sale, manufacturing and importation of polythene is prohibited in all the East African Community Partner States. Prohibition

(2) Notwithstanding the provisions of subsection (1), the Council may, in consultation with the Partner States establish a list of polythene materials necessary to be used in exceptional cases in the Community, and the list may be updated at such time as the Council deems necessary.

(3) The initial list of polythene materials referred to under subsection (1) is specified in the Schedule.

6. (1) Any person who wishes to use, sell, manufacture or import any polythene material specified in the Schedule shall apply for a written authorisation from the environment authority and shall provide the following information— Authorisation

East African Community Polythene Materials Control Bill, 2011

- (a) the reasons for the application;
- (b) quantities required and estimated period for use;
- (c) how the applicant intends to manage or dispose of the polythene waste.

(2) The environment authority shall, within a period not exceeding 20 working days determine the application under subsection (1) and inform the applicant accordingly.

(3) If the environment authority does not determine the application within the period prescribed under subsection (2), the applicant shall proceed as if he or she had been authorised.

PART III—MISCELLANEOUS

Penal provisions

7. (1) Any person who contravenes section 5 commits an offence and shall be liable on conviction to a fine not exceeding five thousand United States dollars or to imprisonment for a term not exceeding twelve months or both.

(2) Where an offence under this Act is committed by a body corporate, and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of any director, manager, secretary or other similar officer of the body corporate or any person purporting to act in any such capacity, such director, manager, secretary person as well as the body corporate, shall be deemed to have committed the offence and shall accordingly be liable.

(3) All polythene materials found in possession of any person in contravention of this Act shall be seized and taken to the appropriate stores established by the environment authority for disposal.

East African Community Polythene Materials Control Bill, 2011

(4) Where recidivism is established on any person under this section, the penalty against such person shall be doubled.

8. Environment authorities or any other authorized agency in a Partner States shall enforce this Act. Enforcement

9. An authorized officer may inspect any premises or vehicle suspected to be in possession of polythene materials in contravention of this Act and may— Inspection

(a) inspect and check the operation of any industry or factory and any associated premises or vehicle which he or she has reasonable cause to suspect is in possession of any polythene material;

(b) seize any material, equipment or machine or information, where such seizure is necessary for an examination or investigation.

10. (1) Any person who obstructs, impedes, assaults or interferes with an authorized officer in the performance of his or her functions under this Act commits an offence and shall be liable to a fine not exceeding five thousand United States dollars or to imprisonment for a term not exceeding twelve months or both. Obstruction

(2) In exercising any of the powers of enforcement under this Act, an authorized officer shall on demand produce to the person against whom he or she is acting, the authority issued by the environment authority to the authorized officer.

11. (1) The environment authority may, by notice in writing take such measures or stop carrying on such activities as are specified in the notice, if such measures are necessary to ensure compliance with the provisions of this Act. Compliance

East African Community Polythene Materials Control Bill, 2011

(2) Any person who fails to comply with any direction specified in a notice issued under subsection (1) commits an offence and shall be liable on conviction to a fine not exceeding five thousand United States dollars or to imprisonment for a term not exceeding 12 months or both.

(3) No prosecution in respect of any offence under this Act shall be instituted except by or with the sanction of the Public Prosecutor.

Transitional
provisions

12. (1) The Partner States shall, upon the coming into force of this Act, take such measures as may be necessary to eliminate polythene materials prohibited under this Act in their territories.

(2) For the avoidance of any doubt, the elimination of the polythene bags shall be complete in all Partner States within one year from the coming into force of this Act.

SCHEDULE

s. 5(3)

LIST OF EXEMPTED POLYTHENE MATERIALS

1. Materials used in medical services.
2. Materials used in industrial packaging.
3. Materials used in the construction industry including water pipes.
4. Materials used in the manufacture of tents.





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For Filing

KENYA ASSOCIATION OF MANUFACTURERS

PLASTICS SECTOR MEETING WITH NEMA ON 1ST FEBRUARY, 2011 AT SERENA HOTEL, 7.00AM

ATTENDANCE LIST:

NO.	NAME	COMPANY	EMAIL	TEL
1.	NISHIT SHAH	Packaging. Ind. Ltd	nishit@p.i.co.ke	0736196196
2.	NISHIT SHAH	PACKAGING MASTERS LTD	nishit@pml.co.ke	0735 264264.
3.	DIRAK. SHAH	Lanega Plaste Ind.Ltd	lanega@laj@yahoo.com	0722514339
4.	PAJIT SHAH	Silpack Industries Ltd	info@silpacke.com	553779.
5.	Vinay SHAH	KING PLASTIC IND. LTD	vinay@kingplastic.com	55 7983
6.	BUNTY SHAH	BOB MIL IND. LTD	bunty@bobmilgroup.com	555412
7.	GAUTAM PATEL	POLYTHENE INDUSTRIES LTD.	gautam@polythene.co.ke	0722-203079
8.	MANISH SHAH	POLYFLEX INDUSTRIES LTD	manish@polyflexind.com	0722-512536
9.	Betty Maina	KAM	betty.maina@kam.co.ke	
10.	JATIN SHAH	UNI-PLASTICS LTD	info@unicoplastics.co.ke	0722 511297
11.	DATARIS KIMILU	delebas WATER	datarais.kimilu@kam.co.ke	3744886

No.	NAME	COMPANY	EMAIL	TEL
12.	Christine Bani	NEMA	cbani@nema.go.ke	0722619313
13.	Mwinyi Muri'	NEMA	mmwai@nema.go.ke	0722-760292
14.	Sarome Mactra	NEMA	smachua@nema.go.ke	0722.212644
15.	Jacqueline Marita	NEMA	jmarita@nema.go.ke	6005522
16.	Patrick Mwangi	NEMA	pmwangi@nema.go.ke	0727 680844
17.	ZEPHANIA D. OUMA	NEMA	zouma@nema.go.ke	0721-592567
18.	Benjamin Langwa	NEMA	blangwa@nema.go.ke	0722-526776
19.	Arnolda Chao	KAM	arnolda.chao@kam.co.ke	0722830990
16.	Bina Kariuki	KAM	bina@kariuki.com	0733-625557
17.	Dr Ayub Mwachia	NEMA	amwachia@nema.go.ke	0722728572
18.	Louis N. Kariuki	NEMA	lkariuki@nema.go.ke	0722 745884
19.				
20.				
21.				

THE KENYA ASSOCIATION OF MANUFACTURERS

Plastic sector response to NEMA press
statement

1 February 2011

NEMA PRESS STATEMENT 6 JANUARY 2011

- ⊙ "Plastics are essential elements of industrialization and socio-economic development of a country"
- ⊙ "However NEMA is against the use of those plastics that cannot be reused or recycled"
- ⊙ "Directive is aimed at mopping out any plastic that cannot be recycled or reused"
- ⊙ NEMA is concerned about the following impacts of plastic in the environment:
 - Littering
 - Affect on animals
 - Affect on drains and sewer systems
 - Depletion of natural resources
 - Long time to degrade
- ⊙ NEMA proposes a minimum thickness of 60 microns as a solution

ENVIRONMENT AND INDUSTRY ARE KEY PARTNERS TO ATTAIN VISION 2030

- ⊙ The Kenya Association of Manufacturers recognise:
 - Our environment is our future
 - We are ALL responsible for our environment
 - A healthy environment will lead to a healthy nation
- ⊙ Manufacturing is a key driving force of Vision 2030 and captured as a fundamental pillar of the new constitution
- ⊙ The Kenya Association of Manufacturers is committed to the preservation of the environment

WHERE DO WE USE PLASTICS?

- ⊙ Packaging of essential products like wheat, flour, bread, salt, sugar, meat, milk etc
- ⊙ Fertilizer bags
- ⊙ Planting bags and green house sheeting
- ⊙ Irrigation channels
- ⊙ Water reservoirs and sanitation pits
- ⊙ Sanitary towels
- ⊙ Beverages
- ⊙ Garbage bags
- ⊙ Vegetable fats and oils

ECONOMIC IMPACT OF PLASTICS

- ⊙ The plastic sector currently:
 - ✓ Has direct employment of 9,000 Kenyans and indirect employment of a further 80,000 Kenyans
 - ✓ Contributes KES 1.5 billion per annum to the Treasury
 - ✓ Earns foreign exchange through exports
 - ✓ Investments in excess of KES 43 billion

WHY DO WE USE PLASTICS AND NOT THE ALTERNATIVES?

- ⊙ Alternatives do not perform as well
- ⊙ Alternatives are not readily available
- ⊙ Cost of alternatives are higher than the perceived benefits
- ⊙ Consumers demand better packaging for long product shelf life and prevention of contamination at a low cost
- ⊙ Preserve land water and forests
- ⊙ Reduce pollution
- ⊙ Improve quality of life

CASE STUDY: PAPER VS PLASTIC

- ⊙ Paper bags generate 70% more air pollution and 50% more water pollution than plastic bags
- ⊙ Paper bags require 4 times more energy than plastic to produce and 85 times more energy to recycle
- ⊙ Two thousand plastic bags weigh less than 13.5 Kgs while 2,000 paper bags weigh about 130 Kgs

ECONOMIC IMPACT OF RAISING MINIMUM THICKNESS TO 60 MICRON

Increase in the consumption of raw materials, power and other resources



Reduction in efficient utilisation of machinery



Costs passed on to consumers fuelling cost based inflation



Reduction in local demand as goods procured from overseas



Reduction in employment

CASE STUDY: EXPORTS TEA, COFFEE, VEGETABLES & FLOWERS

Goods packed in plastic film as required by overseas buyers to be as thin as possible due to freight costs and carbon miles

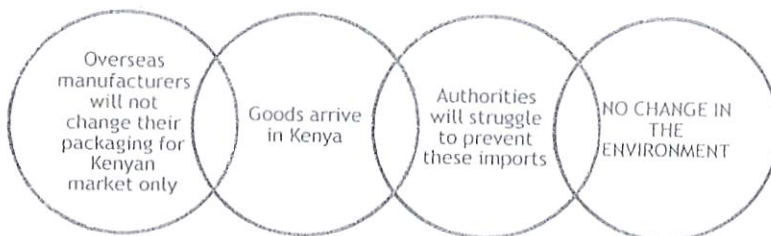
Increase thickness will increase cost of export and freight

Overseas customers will import their tea, coffee, vegetables and flowers from other countries where the goods are packed in plastic materials of their choice

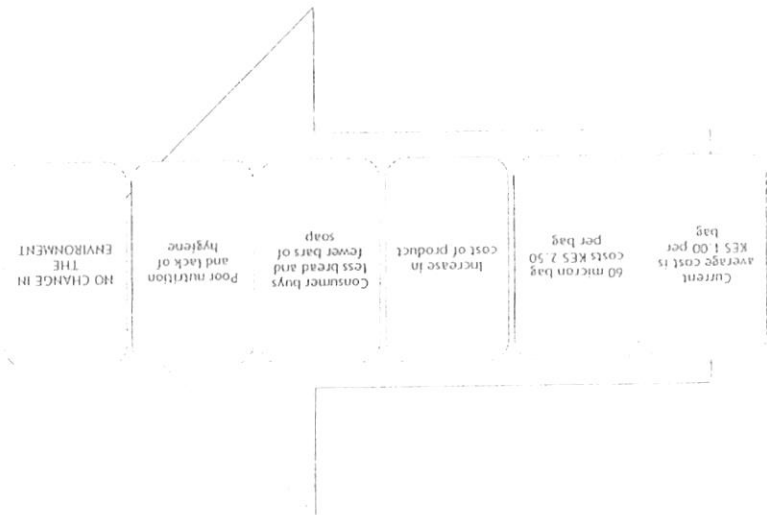
Loss of foreign export markets, foreign exchange, farming jobs, and taxes prompting companies to relocate their manufacturing base to friendlier countries

NO CHANGE IN THE ENVIRONMENT

CASE STUDY: IMPORTED PRODUCTS



CASE STUDY: BREAD AND LAUNDRY BAR SOAP



SOCIAL IMPACT OF 60 MICRONS

- Bags will not be readily available for disposal of waste
- Garbage will accumulate and invite rodents and other pests
- Spread of disease to humans and livestock will be faster
- Collection of waste will become more difficult as paper bags will have disintegrated
- Our environment will worsen

ENVIRONMENTAL IMPACT OF 60 MICRONS

- ⊙ 50 million people will require bread, milk, tea, sugar, salt and vegetables.
- ⊙ Increasing the thickness will not change the product being packed.
- ⊙ Despite the thickness of the plastic, the persons who indiscriminately dispose of current plastic packaging will not change their habit.
- ⊙ Environmental harm will be greater!

WHERE DOES THE REAL PROBLEM LIE?

- ∅ Local authorities not enforcing anti-littering by-laws
- ∅ Inefficient management and collection of waste
- ∅ Users not educated on correct methods of waste disposal
- ∅ Poor infrastructure on waste collection and disposal

WHAT IS KENYA DOING?

- © NEMA, KEBS and KAM have entered into a tripartite memorandum of agreement to ensure that best practices of the world are implemented in Kenya.
- © The Kenya Association of Manufacturers is committed to this MOA and requests support from other parties to the agreement.

WHAT IS THE WORLD DOING?

- © Investing millions of Dollars on developing new materials to reduce the thickness of plastic and thereby reducing the amount of plastic that is entering the environment
- © Ensuring correct waste management practices are applied
- © Collecting levies from consumers to finance environmental measures

WHAT CAN OTHER STAKEHOLDERS DO?

- ⊙ Enforce local authorities to diligently undertake their responsibilities on collecting, segregating and correctly disposing of the waste.
- ⊙ Raise positive awareness on the use of plastics
- ⊙ Educate consumers and users on the correct use and disposal of plastic waste
- ⊙ Encourage investment in plastic recycling

WAY FORWARD

- ↳ NEMA continues dialogue with industry to ensure that the environment is protected
- ↳ NEMA, KEBS and KAM develop a timetable on the implementation of the MOA.
- ↳ KEBS develop the appropriate standards on plastic packaging

- ↳ LETS FOCUS ON THE CORRECTNESS OF THE SOLUTION RATHER THAN THE MAGNITUDE OF THE PROBLEM



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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P. O. Box 67839 00200
Popo Road
Nairobi, Kenya
Website: nema.go.ke

NEMA.14/15 Vol.1

28th January 2011

Ms. Betty Maina
Chief Executive
Kenya Association of Manufacturers
PO Box 30225 - 00100 GPO Nairobi, Kenya, East Africa.
Mwanzi Rd, Off Peponi Road,
WESTLANDS

Dear Ms. Maina,

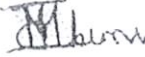
RE: CONSULTATIVE MEETING WITH NEMA

Following my earlier mail to you, I can now confirm to you that after consultation with the Chairman, NEMA Board of Management, Hon. Francis Ole Kaparo, we have agreed to meet you on 1st February 2011 at 8.30 a.m. at NEMA Headquarters.

As I requested you earlier, we have not yet received your agenda of issues you had prioritized for discussion during the meeting. We request that you avail this agenda as soon as possible to enable us prepare adequately.

Thank You.

Yours Sincerely,

for 
DR. AYUB MACHARIA
Ag. DIRECTOR GENERAL

At least 7 officers will attend.



MINUTES OF THE PLASTICS TC MEETING HELD ON 26TH JANUARY 2011

PRESENT	ORGANIZATION
1. SAMUEL MUNENE -AG CHAIR	NEMA
2. DICKSON POLOJI	KAM
3. GEORGE ALURU	ALLPACK INDUSTRIES
4. FAIZ ALI	AFRICA POLYPACK
5. GAUTAM PATE	POLYTHENE INDUSTRIES
6. PIUS K MWANIA	AFRICA POLYPACK
7. PARIT SHAH	SILPACK INDUSTRIES
8. BIMAL KANTARIA	ELGON KENYA LTD/KAM
9. MANISH SHAH	POLYFLEX INDUSTRIES LTD
10. JATIN SHAH	UNI-PLASTICS
11. MUTISYA PAUL	KEBS-TESTING
12. MARTIN KIMEU	BETA GROUP
13. SIMON N SUNGUTI	GOVT CHEMIST
14. NISHIT HARIA	PACKAGING INDUSTRIES LTD
15. BUNTY SHAH	BOBMIL INDUSTRIES
16. VINAY SHAH	KING PLASTICS
17. MUITUNGU MWAI	NEMA
18. ALBERT NYAGECHI-SECRETARY	KEBS

MIN 1/2011. INTRODUCTION AND OPENING REMARKS

The meeting started at 10am and all members present introduced themselves and the organizations they represented. The secretary informed the member present the need for the meeting was due to a request by NEMA to KEBS for a review of the standard on polythene bags with a view of increasing the minimum thickness. Similarly there were other standards on plastics in contact with foodstuff, drinking water and pharmaceuticals which needed to be discussed:

MIN 2/2011. CONFIRMATION OF AGENDA

The committee agreed to adopt the agenda as circulated in the notice of meeting earlier sent to them.

MIN 3/2011. DISCUSSION OF KS 1794 POLYETHYLENE AND POLYPROPYLENE BAGS FOR GENERAL PURPOSES—SPECIFICATION

The secretary informed the members that the secretariat-KEBS- had received formal request by way of a letter from NEMA requesting an immediate increase in the thickness of plastic carrier bags and wrapping plastics from the current stated thickness of 30microns to 60microns.

During the deliberations, NEMA pointed out the adverse environmental effects of plastics and the reasoning behind the need to increase the thickness. It is reasoned that this will lead to more reuse of the bags and ease of recycling.

On their side, the manufacturers maintained that this increase will mean that the cost of products that make use of plastic packaging will inadvertently go up. They further noted that thickness alone cannot be a quality parameter in that they can still produce lower thickness bags which are more versatile and stronger.

At this point it was pointed out that NEMA had scheduled a meeting with manufacturers on 1st February 2011 to chart the way forward and after that revert back to KEBS for a subsequent TC meeting to be convened. The secretariat also requested NEMA to clarify whether in light of the above developments, the timelines set out in their communication were still bidding.

It was thus agreed that as it stands the thickness does remain at a minimum of 30microns as stipulated in the gazetted standard.

MIN 4/2011. DISCUSSION OF OTHER STANDARDS

- a. Kenya standard positive list of constituents of polyethylene in contact with foodstuffs, pharmaceuticals and drinking water
- b. Kenya standard positive list of constituents of polypropylene and its copolymers in contact with foodstuffs, pharmaceuticals and drinking water
- c. Kenya standard specification for polyethylene for its safe use in contact with foodstuffs, pharmaceuticals and drinking water
- d. Kenya standard specification for polypropylene and its copolymers for its safe use in contact with foodstuffs, pharmaceuticals and drinking water
- e. Kenya standard determination of overall migration of constituents of plastics materials and articles intended to come in contact with foodstuffs-method of analysis.

For the above stated standards, the committee agreed to be given until the next meeting for their inputs as they considered them rather technical.

National Environment Management Authority (NEMA)
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Tel. 020 2101370, 0724 253398, 0728 585829, 0735 013046, 0735 010237
Email: dgnema@nema.go.ke Website: www.nema.go.ke

PRESS RELEASE

REGULATING MANUFACTURERS, IMPORTERS AND CONSUMERS

Thursday, 21st February 2008

The coming into force of the new regulations on plastic waste management is a landmark step in ensuring a clean and healthy environment for all. The National Environment Management Authority (NEMA), in consultation with other Government departments and the private sector, have put in place structures to ensure the implementation of the 30 microns minimum thickness standards for all plastics and the 120% excise duty contained in the Finance Bill, 2007, Kenya Gazette Supplement No. 60 (Bills No. 26), as announced by the Minister of Finance during his Budget speech on 14th June 2007.

The new regulatory measures apply to all bags (including cones) of polymers of ethylene, other plastics and sacks and bags of a kind used for packing goods.

The Plastics Problem

The generation of solid waste has become a major environmental and health problem everywhere in the world, but particularly in developing countries. Here in Kenya, for many years, the sector lacked adequate policies and strategies to address issues such as production, disposal and recovery of plastics. Thus, in the country's capital city, Nairobi, only about 25 per cent of an estimated 1,500 tons of solid waste generated daily gets collected by the Council.

Kenya's plastics industry has been producing more than 4000 tons of flimsies or flexibles every month, with experts estimating that 2000 tons go into the waste stream. Further, given that about half of flexibles produced in the country are of less than 15 microns in thickness, the ban on plastics of less than 30 microns implies that we have engaged in a monumental task of transforming almost three quarters of the industry.

Implementation Date

The excise duty took effect on 1st October 2007 while the 30 microns standard took effect on 1st January 2008. The waiting time period gave room to the manufacturers and importers to offload their stocks as well as to change their production to acceptable standards. I was glad that the Ministry of Local Government also suspended the implementation of its by-laws banning plastics

of less than 30 microns, to enable NEMA and other institutions to create more awareness.

Proposal for a Green (Plastics) Levy

During this period, NEMA, KEBS (under the auspices of the Ministry of Environment and Natural Resources and the Ministry of Trade and Industry respectively) and KAM, through a Memorandum of Agreement, proposed to Parliament that the excise duty be turned into a green (plastics) levy. A plastics (green levy) is more beneficial to the environment since it will fund cleanups, collection of plastic waste from the environment, support recycling initiatives and create awareness on appropriate waste management techniques. Countries such as South Africa that had initially adopted an excise duty had to change to a plastics levy to ensure direct benefits to the environment. It is worth noting that the plastics sector supports the Green Levy as part of their responsibility for the waste they generate. This is in line with the "polluter pays" principle clearly stipulated in the Environmental Management and Coordination Act (EMCA).

However, the Parliament did not adopt the proposal for a green levy hence the coming into effect of the excise duty.

Enforcement of the New Regulations on Plastics

KEBS, NEMA and local Authorities will implement legislations and other measures so as to ensure responsible production, consumption and disposal of plastics in the country. NEMA and KEBS inspectors will ensure that machines are well calibrated and set to the right gauge.

It is important to note that the new measures on plastics are also contained in the policy instruments developed under the Pilot Project on Sustainable Management of Plastics in Nairobi City,

Industry players are encouraged to devise environmentally-friendlier bags for shoppers. We commend supermarkets those who have taken an initiative towards that direction. Environmental conservation has a cost. Every person in Kenya including manufacturers and consumers of goods must be ready to pay part of that price for a clean environment.

DR. MUUSYA MWINZI
DIRECTOR GENERAL

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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2nd July, 2007

Our Ref: NEMA/14/6 Vol. VII

Mr. Bimal Kantaria
Board Member
Kenya Association of Manufacturers (KAM)
NAIROBI.

Dear Sir,


**RE: MEMORANDUM OF AGREEMENT BETWEEN NEMA, KEBS AND KAM, ON
PLASTIC (GREEN) LEVY**

Above matter refers.

Enclosed herein, please find a copy of the duly signed Memorandum of Agreement, for your further action. As discussed, we will request our Minister to petition the Minister of Finance, to replace the 120% excise duty, with a plastic (green) levy, and will update you on the progress when we receive feedback on the same.

We thank you for your co-operation in this matter.

Yours faithfully,


DR. A. MUUSYA MWINZI
DIRECTOR GENERAL

AN/2007

MEMORANDUM OF AGREEMENT
FOR THE PROPOSED
JOINT IMPLEMENTATION PLAN FOR THE SUSTAINABLE MANAGEMENT
OF PLASTIC WASTE IN KENYA

BETWEEN

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)
THE KENYA BUREAU OF STANDARDS (KEBS)

UNDER THE AUSPICES OF
THE MINISTRY OF ENVIRONMENT AND NATURAL RESOURCES
THE MINISTRY OF TRADE AND INDUSTRY

AND
THE KENYA ASSOCIATION OF MANUFACTURERS (KAM)

- 1.5.2 the collection and disposal of plastic bags is a growing problem in Kenya; and that
- 1.5.3 the problem impacts particularly on low-income areas where refuse collection services are inadequate.
- 1.5.4 there is need to recognise that the plastic industry employs hundreds of Kenyans and that there is the need to also protect this local industry from sub-standard imports.
- 1.6 **OBSERVING FURTHER THAT** the parties are committed to taking a co-operative approach towards addressing environmental problems that face Kenya and furthermore reflects the spirit of collaborative partnerships and takes cognizance of the Finance Bill 2007 proposal on plastic sacks and bags, and that such an approach may be achieved through a joint implementation plan agreed upon by the parties herein.
- 1.7 **NOW THEREFORE,** NEMA, KEBS (under the auspices of the Ministry of Environment and Natural Resources and the Ministry of Trade and Industry respectively) and KAM have agreed to enter into this Memorandum of Agreement.

2. **OBJECTIVE OF THE MEMORANDUM OF AGREEMENT**

The aim of this Memorandum of Agreement is to demonstrate support to the proposal by the Minister for Finance to conserve the environment and offer a detailed implementation plan, which strikes a balance between industry, environmental conservation and sustainable development. It is envisaged that in order to achieve the objective of the Finance Bill 2007, it is proposed that a plastic levy (green levy) replaces the excise duty on sacks and bags of a plastic kind that is proposed under the Second Schedule of the Finance Bill 2007.

bags of other plastics, and of a kind used for packing of goods of polyethylene or polypropylene strip or the like.

5. MINIMUM THICKNESS OF PLASTIC BAGS

5.1 The Kenya Standard KS 1794 currently provides that, inter alia, the manufacture, importation, trade and commercial distribution of plastic bags, for use in Kenya of a wall thickness of less than 20 microns is prohibited. A thickness of less than 30 microns will be prohibited from 1st January 2008 as gazetted by the Minister for Finance vide Finance Bill 2007. The minimum thickness of plastic bags and sacks is however, subject to future revisions of the relevant Kenyan Standard.

5.2 The parties agree that in order to implement the regulatory requirements regarding prescribed thickness and bag definition, the Kenya Standard number KS 1794 and/or any future relevant Kenya Standard will be applied, both to domestically produced plastic bags and sacks and imported plastic bags and sacks.

6 ESTABLISHMENT OF THE PLASTIC LEVY MANAGEMENT COMMITTEE (PLMC)

6.1 There shall be hereby established a Plastic Levy Management Committee created as a joint public-private partnership committee to enhance the management of plastic waste in Kenya.

6.2 A joint Plastic Levy Management Committee (PLMC) will be formed comprising of members from the public and private sector in line with the 'Policy Instruments for the Management of Plastic Bags in Nairobi' report produced by KIPPRA in March 2006.

- 6.7.2 To collate information on other plastic bag recycling related information,
- 6.7.3 To receive plastics levy from all registered plastic bag manufacturers and importers through the Kenya Revenue Authority, and to administer the levy in pursuance of the objectives of the Committee;
- 6.7.4 To follow appropriate international trends in the enhanced recycling of plastic bags and apply them in Kenya as appropriate,
- 6.7.5 To explore opportunities for joint partnerships with civil society organisations to achieve the objectives of the Joint Implementation Plan.
- 6.7.6 To investigate and make recommendations to the Government in respect of the development of new markets for recycled material;
- 6.7.7 To support import compliance initiatives, where appropriate;
- 6.7.8 To ensure that collection points are established within convenient locations and to this end explore the possibility of co-operation with retailers and local authorities;
- 6.7.9 To facilitate national public education campaigns on responsible use and disposal of plastics.
- 6.7.10 To encourage recycling of plastics.
- 6.7.11 To facilitate the removal of plastic waste from the environment in line with existing waste management regulations in the country.
- 6.7.12 To ensure best-practices in recycling through public education programs, technical support and an award scheme;
- 6.7.13 To institute mechanisms of ensuring environmental responsibility by all entities in the plastic bag and sack value chain (production, distribution, retail, consumption, recycling and disposal);
- 6.7.14 To support the Proudly Kenyan initiative and other relevant initiatives; and
- 6.7.15 To pursue all of the objectives in a manner that demonstrates the parties' commitment to sustainable development.

9.3 Should any of the pre-requisites be delayed for reasons beyond the parties' control, the agreed timeframe will be adjusted accordingly.

10 DEFINITIONS

10.1 The Joint Implementation Plan covers plastic bags and sacks (including cones) of polymers of ethylene, other plastics and sacks and bags of a kind used for packing goods of polyethylene or polypropylene strip or the like both domestically produced and imported, for use within the Republic of Kenya.

IN WITNESS WHEREOF, the parties, each acting through its duly authorized representative, have signed this Memorandum of Agreement

SIGNED BY: THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY


.....
DIRECTOR GENERAL


29/06/07
.....
DATE

SIGNED BY: THE KENYA BUREAU OF STANDARDS


.....
MANAGING DIRECTOR

2007-06-29
.....
DATE

SIGNED BY: THE KENYA ASSOCIATION OF MANUFACTURERS


.....
CHIEF EXECUTIVE OFFICER

29/06/07
.....
DATE

	waste stream		
	• Facilitate the waste handlers in order to enhance segregation	1,000,000	
	• Establish appropriate waste disposal site for the segregated waste	30,000,000	
	• Provide management of the waste disposal site	2,000,000	
6.	Enforcement of the Standard		NEMA/KEBS
	• Identify teams of enforcement officers	0	
	• Train the teams on plastics issues	500,000	
	• Facilitate the teams with appropriate equipment	500,000	
	• Provide transport for the teams	6,000,000	
7.	Monitoring of compliance with the standard		KEBS/NEMA
	• Identify teams of inspectors	0	
	• Train the inspectors on plastics issues	500,000	
	• Provide transport for the inspectors	6,000,000	
	• Calibration and testing equipment	4,000,000	
B	Media and public awareness campaign for the plastics levy		NEMA/KAM/KEBS
1.	Continuous outreach meetings to sensitize consumers on waste separation at source	81,000,000	One meeting per PEC/DEC
2.	Development, Production and dissemination of awareness materials <ul style="list-style-type: none"> • Codes of practice • Educational materials 	5,000,000	To be distributed country wide
3.	Production of media publicity materials	6,000,000	
4.	Production and development of advertisement creatives	3,000,000	
5.	Media placement for the year	19,000,000	
6.	Public education campaign launch – national and regional	1,500,000	
7.	Material dissemination	2,000,000	
8.	Annual radio educational programs	6,000,000	
9.	Annual TV primetime advertisement on thematic issues	7,000,000	
10.	Design and production of a media kit	150,000	
11.	Media workshops for journalists & editors	200,000	
12.	Media tours to selected sites to demonstrate success in recovery and disposal	1,500,000	
13.	Award scheme to media and CBOs industry	1,800,000	
14.	Consultancy and professional fees	2,500,000	
15.	Bill Boards advertising	20,000,000	
	Grand Total	314,750,000	



THE KENYA ASSOCIATION OF MANUFACTURERS

Mwanzi Road, Off Pepohi Rd, Westlands
PO Box 30225 - 00100 GPO, Nairobi
Email: info@kam.co.ke
Website: www.kam.co.ke

Tel: 3744886, 3741634, 3746005/7, 3746021/22
Cell: 0722-201368, 0734-646005
Fax: 3746028/30

"Our Mission is to Promote Competitive Local Manufacturing in Liberalised Markets"

OUR REF: KAM/12/60/BM

17th July, 2007

Dr. Muusya Mwinzi
Director General
National Environment Management Authority
NAIROBI

Fax: 608997

Dear Dr. Mwinzi,

RE : Memorandum of Agreement between NEMA, KEBS and KAM; Legal Options for the Plastics Levy Discussed

Reference is made to the Agreement recently signed by our three organisations.

As we have discussed we prefer to petition the Minister for Finance to replace the 120% excise duty with a levy.

We are of the view that this levy can be proposed by the National Environment Council as outlined in Section 57 of EMCA which permits the Minister for Finance to enact Green fiscal measure on recommendation of the Council.

To this end we request that you put this issue before the NEC so that it can be expeditiously dealt with and the necessary recommendations to the Minister for Finance made.

Awaiting your kind response.

Sincerely,

Betty Maina
CHIEF EXECUTIVE

cc: Steve Smith, Chairman,
Kenya Association of Manufacturers

Bimal Kantaria, Chairman
Plastics Sector, KAM

Make Kenya a Global Winner : Enhance Our Competitiveness

Chairman: Steven G. Smith, Chief Executive: Betty Maina

KAM is ISO 9001:2000 Certified. A Company Limited by Guarantee

② DD/CE
Assign two officers

③ Mr. Mwai
License with
Director Legal
and C PRO
to prepare
paper in the
same

① Make Ag/DEC
and Ag/LS

Pls. prepare an
appropriate paper for
NEC. This is a
good suggestion



Ag/DEC
25/7/07

MINUTES OF THE 2ND TASKFORCE ON PLASTICS HELD AT THE BUREAU OF STANDARDS ON 28TH JUNE, 2007

Present

- | | | |
|---------------------|---|-----------------------|
| 1. Charles Gachahi | - | KEBs (Chairing) |
| 2. Benjamin Langwen | - | NEMA |
| 3. Bimal Kantaria | - | KAM |
| 4. Samson Ombok | - | KEBs |
| 5. Nishit Haria | - | KAM |
| 6. Ruth Musembi | - | NEMA (Taking Minutes) |

Min. 7/Plastics/2007: Confirmation of Minutes.

The Minutes of the previous meeting were read and confirmed as a true reflection of the deliberation of the last meeting as proposed by Mr. Bimal Kantaria (KAM) seconded by Mr. Benjamin Langwen (NEMA).

Min. 8/Plastics/2007: Draft Proposal on Annual Estimates for the implementation of the plastics management regime

NEMA presented draft proposal on annual estimates for the implementation of the plastics management regime. Members went through the proposal and adopted it with minor additions.

Action: NEMA to input changes and table a finalized proposal in the 4.00 pm meeting

Min. 9/Plastics/2007: Way Forward

Members agreed to prepare a parliamentary paper on the implementation plan for the sustainable management of plastic waste in line with the Finance Bill, 2007. The paper would include a preamble, a proposal for the introduction of a green levy to replace the excise duty and a detailed proposal for the implementation of the levy. The aim of the parliamentary paper is to demonstrate support to the minister's proposal to conserve the environment and offer a detailed implementation plan, which strikes a balance between business, environmental conservation and sustainable development.

Action: KAM to prepare a draft paper and table it at the 4 pm meeting

Min. 9/Plastics/2007: AOB

There being no other business. The meeting adjourned at 10.40 am. The next meeting to be held at 4.00 pm (same day)

Signed for circulation

Chairman

Signature

Confirmed

Chairman

Date: _____

Secretary

Date: _____

**MINUTES OF THE TASKFORCE ON PLASTICS HELD AT THE
BUREAU OF STANDARDS ON 26TH JUNE, 2007**

PRESENT:

- | | | | |
|----|------------------|--------|------------------|
| 1. | Charles Gachahi | - KEBS | - Chairing |
| 2. | Benjamin Langwen | - NEMA | |
| 3. | Nishit Haria | - KAM | |
| 4. | Bimal Kantaria | - KAM | |
| 5. | Mahesh Dodhia | - KAM | |
| 6. | Nyagechi Albert | - KEBS | |
| 7. | Samson Ombok | - KEBS | |
| 8. | Ruth Musembi | - NEMA | - Taking minutes |

MIN. 1/PLASTICS/2007: PRELIMINARIES

The Chairman called the meeting to order at 9.40 a.m. and introduced the three items to be deliberated on as were outlined in the press release faxed to media houses.

MIN. 2/PLASTICS/2007: AGENDA

The following agenda was adopted:

1. Graduation to the expected gauge of plastic carrier bags.
2. Commencement date for the 30-micron minimum thickness gauge.
3. Sustainability of the implementation regime for managing plastic waste.

MIN. 3/PLASTICS/2007: GRADUATION TO THE EXPECTED GAUGE OF PLASTIC CARRIER BAGS

It was observed that standards are developed through consensus. However, since government and industry could not reach a consensus in the past this left room for invoking technical regulations by government to protect health, safety and environment in the form of the 2007 finance bill.

MIN. 4/PLASTICS/2007: COMMENCEMENT DATE FOR THE 30-MICRON MINIMUM THICKNESS GAUGE

Graduate to 30 microns from the gazetted 20 microns at the effective date of the finance Bill (1st January 2008). In the meantime, Kenya will appraise itself with the East African community with a view to harmonization.

MIN. 5/PLASTICS/2007: SUSTAINABILITY OF PLASTIC WASTE MANAGEMENT REGIME

The Taskforce recommended the establishment of plastics levy to replace the excise duty. The levy could be referred to as a green levy on imports of plastics raw materials collected by KRA at source.

The plastics fund will be managed by private sector and government (KEBS, NEMA, Local Authorities).

Action: NEMA to table a paper on estimated annual cost of managing plastics during the next meeting. NEMA to work out figures/proposal of how the plastic levy will be utilized.

MIN. 6/PLASTICS/2007: ANY OTHER BUSINESS

There being no other business the meeting adjourned. The next meeting is on Thursday, 9.00 a.m. at KEBS.

Signed for circulation:

Chairman

Signature

Confirmed:

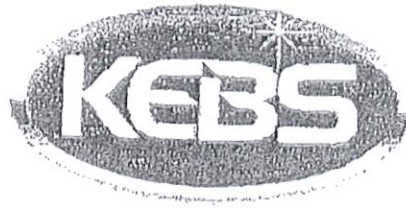
CHAIRMAN

Date: *2007-05-02*

SECRETARY

Date: _____

Plastics file



25TH JUNE, 2007

PRESS RELEASE

Taskforce on Plastics Established

The Kenya Bureau of Standards, National Environment Management Authority and Kenya Association of Manufacturers have today established a task force to ~~work~~ *develop* modalities of implementing the budget proposal made by Minister for Finance in his budget speech regarding environmental management and sustainable development.

The task force will produce a report in one week advising on the following:

- 1) How the Industry graduates to the production of the proposed minimum plastic bag thickness of 30 microns ~~from the current 20 microns standard.~~ *delete*
- 2) Develop management regime for the production, distribution, importation, recovery, transportation and disposal, including recycling of plastic waste in line with the Environmental Management and Coordination (Waste Management) Regulations, 2006.
- 3) Implementation of the 120% Excise duty announced by the Minister for Finance in Finance Bill 2007/8 which is expected to take effect on 1st October 2007.

**
[Signature]*

The taskforce will table its recommendations to the government for further appropriate action. ~~In the meantime operations will continue at the current minimum plastic bag thickness standard of 20 microns.~~

[Signature]

delete

Fax: 608 997 Attn: Langwen NEMA.
 Fax: 534 807 Attn: Bimal Kariuki KAM.

ii) **from minute 4/2006 on disposal**

Members felt that there wasn't proper disposal of waste hence the littering menace. It was noted that the necessary authorities should implement their bit under the ten point action plan. NEMA reiterated that a waste disposal management system was being set up and will be ready and running latest by April '07

MIN 3/2007: DELIBERATION ON KS 1794: 2003

After lengthy deliberations the following was agreed upon:

1. that the scope shall read

This Kenya standard specifies requirements and methods of test for monolayer polythene or polypropylene carrier bags and flat bags manufactured or imported for the purposes of resale and distribution.

2. that

- (i) carrier bag shall be defined as *'Bag constructed with handles, and with or without gussets'*
(ii) flat bag shall be defined as *'Bag constructed without handles, and with or without gussets'*

3. There were concerns that most parts of the 10 point plan in the KIPPRA report which had been agreed upon by the stakeholders were not being implemented and it was felt that industry was bearing the most burdens.
4. Members of the plastic bags sub-sector were advised that regarding duration before implementation of the 20 micron they could write to KEBS management for advice and necessary action.

There being no other business the meeting adjourned at 12.30 pm.

Signed:

SECRETARY

Date: 2007-01-22

Signed:

CHAIRMAN

Date:

ATTENDANCE LIST

TC/ISC: PLANTS CONSULTATIVE MEETINGS

DATE: Dec-06-2011

SL NO.	NAME	ORGANIZATION	BOX NO. & LOCATION	TEL. NO. & FAX NO.	E-MAIL	SIGNATURE
1.	Benjamin Longua	NEMDA	Kapiti Rd	605118	blongua@news.gov.ph	BL
2.	Anne Angwenyi	NEMDA	Kapiti Rd	605522	Angwenyi@news.gov.ph	Anne Angwenyi
3.	B. KANSTREIA	KANU	46826-00100 N30	534410	bkanstria@preshipackaging.com	BK
4.	S. Dumloa	KEBS	54974-022400		sdumloa@kebs.org.ph	S
5.	R. Mosembi	NEMDA	07839-00200	-		
6.	N. MARIJA	P.I.C.	4821, N30	531133	nishitepilike	N
7.						
8.						
9.						
10.						
11.						

APOLOGIES:

SL NO.	NAME	ORGANIZATION
1		
2		
3		
4		
5		
6		



KENYA BUREAU OF STANDARDS

(A STATUTORY ORGANIZATION OF GOVERNMENT)

KEBS HEAD OFFICE
 P.O. Box 6997, Nairobi 00009
 Tel: +254 (0)20 221490-5912000
 Mobile: 0722202107/8
 073460347/2
 Email: info@kebs.org
 Fax: +254 (0)20 221490, 604031
 Web: <http://www.kebs.org>

KEBS Coast Region
 P.O. Box 1976, Mombasa 80101
 Tel: +254 (0)21 2214510-220049047
 Fax: +254 (0)21 2214510
 Email: kebs_msa@swiftmombasa.com

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 P.O. Box 1949, Kisumu 40100
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 Fax: +254 (0)51 20221814
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 Fax: +254 (0)51 2210075

KEBS N.W. Kenya Region
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 Tel: +254 (0)61 2251036-2212037
 Fax: +254 (0)61 2212038

KEBS North Eastern Region
 P.O. Box 971, Garissa 70100
 Tel: +254 (0)40 2518
 Fax: +254 (0)40 1455

MINUTES OF THE TECHNICAL COMMITTEE ON PLASTICS HELD ON 22ND JANUARY 2007 AT KEBS CENTRE

PRESENT:

1. M.W Mwai chairman
2. James Welimo
3. Samuel Munene
4. Mahesh Dodhia
5. Trupit Shah
6. Bhagesh Chandaria
7. Jatin Shah
8. B. Kantaria
9. R Muniyao
10. S Ochieng
11. C Gachahi
12. Mugambi m J
13. A. Nyagechi secretary

ORGANIZATION:

- N E M A
- Govt Chemist
- N E M A
- Hi plast
- GPlast
- Dune Plastics
- Unioplastics
- Prestige Packaging
- Min. Public Works
- CIN
- KEBS
- KEBS
- KEBS

IN ATTENDANCE:

14. D. Poloji
 15. Mahesh Gudka
 16. B. Shah
 17. Vinay Shah
 18. R Asiko
- K A M
 - Comet Plastics
 - Bobmil Industries
 - King Plastic
 - CIN

MIN1/2007: OPENING REMARKS

The chairman called the meeting to order at 9.45am. The secretary read through the minutes after which they were confirmed as a true reflection of the days' discussions. They were proposed by B Chandaria and seconded by J shah.

MIN 2/2007.MATTERS ARISING

i) from minute 4/2006 (ii) on implementation

Some members felt that implementation needed to be stepped up to assure them that sub-standard plastic bags will not enter the country and that some unscrupulous manufacturers were not making sub-standard bags locally. KEBS reassured all the implementation was an on going process but it could still be stepped up further. However, the plastics bags sub-sector was welcome to formally write to KEBS requesting for a meeting with the implementation arm to find solutions to any problems that might be of concern.

THE CITY OF NAIROBI
(POLYTHENE CARRY BAGS BAN)
BY-LAWS 2006

**THE LOCAL GOVERNMENT ACT
CAP 265**

IN EXERCISE of the powers conferred upon it by section 201 of the Local Government Act, Cap 265 the City Council of Nairobi hereby makes the following By- Laws:

THE CITY OF NAIROBI (POLYTHENE CARRY BAGS BAN) BY-LAWS, 2006

- Citation 1. These By-laws may be cited as The City of Nairobi (Polythene Carry bags Ban) By-laws, 2006.
- Interpretation 2. In these By-Laws unless the context otherwise requires:-
- “City” means city of Nairobi
- “Council” means the City Council of Nairobi.
- “Polythene carry bag” means any plastic bag used for packaging storing, carrying or dispensing any article or commodity..
- “Recommended thickness” means a thickness of not less than 30 microns.
- “Vendor” means any person who sells articles or commodities packed or stored in polythene carry bags.
- Prohibition 3. No person shall;
- (a) sell, import , manufacture, produce or store non bio degradable polythene carry bags of less than the recommended thickness within the jurisdiction of the Council;
- (b) being a vendor, use such polythene carry bag for storing, carrying, dispensing or packaging of any articles or commodity;
- (c) litter any public place with polythene carry bags.
- Penalty 4. Any person who contravenes the provisions of these by-laws shall be guilty of an offence and liable on conviction to a fine not exceeding K.shs. two thousand and conviction and Kshs. three thousand and or imprisonment for a term not exceeding six months for a second conviction or subsequent conviction.

Made by Order of the City Council of Nairobi this day of
2006

JOHN GAKUO
TOWN CLERK

Approved this day of 2006.

HON. MUSIKARI KOMBO, MP.
MINISTER FOR LOCAL GOVERNMENT

MINUTES OF THE 9TH PSC MEETING OF THE PILOT PROJECT ON SUSTAINABLE MANAGEMENT OF PLASTIC WASTES IN NAIROBI CITY HELD ON 5/9/2006 AT THE NEMA CONFERENCE ROOM.

Present	Org/Inst	Email Landline
1. Mr. M.O. Mbegera	NEMA	comnenforce@nema.go.ke
2. Dr. Desta Mebratu	UNEP-ROA	desta.mebratu@unep.org (Co-chair)
3. Mrs. Betty Nzioka	NEMA	
4. Mrs. Ruth Musembi	NEMA	ruthmusembi@nema.go.ke
5. Mr. Kelvin Khisa	KNCPC	
6. Mr. Gerald Muriuki	Practical Action	
7. Mr. Robert Orina	PDE (NBI)	rositeki@yahoo.com
8. Mr. Titus Mung'ou	NEMA	tmungou@yahoo.com
9. Mr. Mwitungu Mwai	NEMA	mwitungu@yahoo.com (Recording)

Absent with Apologies.

1. Mr. Francis Kihumba	NEMA	kihumbafn@yahoo.com
2. Mr. Benjamin Langwen	NEMA	blangwen@nema.go.ke
3. Ms. Fatuma Mohammed	PDE's off. -NBI	
4. Mr. P.N. Watoro	PDE's off. -NBI	
5. Ms. Damaris kimilu	KAM	damaris.kimilu@kam.co.ke
6. Mr. David Kuria	ITDG	david.kuria@practicalaction.or.ke

Absent

1. Ms. Jane Chemweno	UNDP	jane.chemweno@undp.org
2. Ms. Jane Nyakango	KNCPC	jnyakang'o@cpkenya.org
3. Mr. David Ombisi	UNEP - ROA	david.ombisi@unep.org
4. Mr. David Ethangatta	Nation	dethangatta@nation.co.ke
5. Dr. Moses Ikiara	KIPPRA	mmikiara@kippra.or.ke

Absent

1. Mr. Clive Mutunga	KIPPRA	cmutunga@kippra.or.ke
2. Mr. J.M. Ngondi	GBM	jngondi@greenbeltmovement.org

Min. 1/9/2006: Introduction and chairs opening Remarks

The Chair, Mr. Mbegera, the Director, Compliance and Enforcement Department in NEMA, called the meeting to order at 9.20 a.m. He acknowledged the effort put into the project activities and requested the stakeholders to approach future activities with the same vigour. He observed that more entrepreneurs had ventured into recycling activities in the recent past, which could be attributed to the project outputs. He noted the need to carry out an inventory of the facilities and zero-in on any constraints that may be encountered by the stakeholders. The Chair also emphasized the importance of collaboration between the key institutions in promotion of the outputs of the project. He thanked UNEP-ROA for the assistance to the project.

Min 2/0/06: Adoption of the Agenda

The meeting adopted the following agenda items for discussion.

- i. Introduction & Remarks from the Chair
- ii. Adoption of the Agenda.
- iii. Confirmation of Minutes of the 8th Meeting
- iv. Matters Arising
- v. Discussion on Status of Reports
- vi. Proposed Taskforce on Plastics
- vii. AOB

Min 3/9/06: Confirmation of Minutes of the 8th PSC meeting.

Members confirmed the minutes as the true reflection of the proceedings of the 8th PSC meeting after a few corrections were made. The adoption of minutes was proposed and seconded by Mr. Mung'ou and Dr. Desta respectively.

Min. 4/9/06: Matters Arising

a) Min. 5/8/06: Consultative Forum

The secretariat reported that the report on the Consultative Forum was being finalized and the Chair requested that it be circulated in two weeks time.

b) Min. 7/8/2006: Facility support to the Recycling

(i) Budget component

Dr. Desta observed that the authorization letter to UNEP to disburse the US\$ 15,500 to Practical Action had not been dispatched. It was reported that before the dispatch of more funds to Practical Action to fabricate the cleaning machine, there was need to ensure that the prototype machine is operating efficiently. The meeting was informed that reports from the Cooperative and ITDG on the status of the machines was conflicting with that from the NEMA DEOs on the site. It was agreed that a team comprising of the Recycling Component members (ITDG, Cooperative, NEMA's PDE and the JKUAT engineers) resolve the issue on Wed 9/2006 at 2.00p.m at the site.

(ii) Resolving Fund

The meeting was informed that the cooperative had received Kshs.150,000 for the Revolving Fund to purchase plastics. Mr. Muriuki of Practical Action also reported that the Cooperative had not sold any of the collected Plastics and the members requested that other buyers (recyclers) be identified since the source of plastics waste is inexhaustible, rather than hoarding while awaiting the fabrication of their palletizing and agglomerating machines. It was observed that their storage could pose an environmental problem.

c) Logical support

Mr. Orina, NEMA's PDE (Nairobi) reported that his office had been provided with a vehicle, which had eased the monitoring of the Cooperative activities, such as counter-signing the plastics collection

records among others. He reported that during the ongoing clean-up activities, the Cooperative had purchased polythene wastes from CBOs. The meeting observed that the clean-up activities achieved two objectives:

- The plastic waste were collected and
- Awareness is created.

Min. 8/8/06 Clea- up at Mathare North 29/7/2006.

The meeting was informed of misunderstandings which arose during the function. This was attributed to concerns by the community that NEMA had not contributed any funds for the function and therefore some youths disputed what they termed NEMA's "hijacking of the programme". But it was observed that the issues were resolved later during a postmortem meeting. Members recommended that during future functions the programme should be jointly agreed upon by stakeholders.

a) Documentary

The Education and Awareness Component reported that the edited version of the Plastics Documentary produced by NTV had not been reviewed and aired due to limited funds. The meeting noted that the funds from KAM could be used for this activity and emphasized that KAM should send funds as agreed in the MOU.

The Component reported that KAM printed banners for the Consultative Forum and Mathare Clean-up North Campaign. The meeting resolved that all the funds pledged by KAM (US\$15,000) be used by the Education and Awareness Component since the reports on Strategy and Policy Components had been finalized and the Recycling Component had received US\$ 65,000 from the French Embassy.

Future functions:

- (i) To agree on roles in the programme
- (ii) Ensure detailed consensus on this programme
- (iii) Identify the role of various stakeholders.

The meeting noted that KAM was to fund activities as passed by PSC. The meeting suggested that the Documentary be improved and distributed to other media houses for airing.

Members were also informed on the pilot activities to segregate waste at source that has been initiated to ensure sustainability of the process.

b) Selling of Plastics

It was implied that the recyclers identified earlier were not keen on buying the collected plastics. The meeting recommended that other plastic recyclers be identified.

c) Reports

The meeting requested KNPC to follow up on the activities proposed in the Comprehensive Strategy. It was suggested that the Cooperative should only go to the processing stage on a good basis.

Mr. Khisa informed the meeting that a concept paper should be prepared and forwarded to the European Community Trust Fund before the submission date elapses (30/9/2006). It was agreed that Mr. Khisa, Ms. Nzioka and Mr. Muriuki should meet and prepare the paper.

d) Proposed Taskforce on Plastics

It was reported that the issue of Taskforce on Plastics raised by Kenya's Minister for Environment and Natural Resources during a courtesy call by the Romania Minister for Environment had elicited calls from some stakeholders inquiring how they could be co-opted in the Taskforce. The meeting recommended that PSC be transformed into the Plastic Waste Management taskforce with addition of more stakeholders.

e) Summary Report.

The meeting agreed to identify an expert among the reviewers selected for the National stakeholders Consultative Forum on Plastic Waste to prepare a summary report of the project.

Dr. Desta reiterated that UNEP would provide assistance to print the report for display and distribution to delegates to the COP 8 on Basel Convention to be held in Nairobi from 27th November to 1st December 2006. The meeting proposed Dr. Kituyi to be considered to draft the summary report.

Min. 5/9/06: A.O.B

Members suggested that JKUAT engineers should visit local facilities that have designed the palletizer and agglomerator. It was emphasized that there is the need to explain to the CBOs the rationale of budget items so as to avoid misrepresentations on the status of funds.

Members recommended that the functioning of the cleanmax machines be upgraded.

The meeting for the Recycling Component was scheduled for 13/9/2006 at 2.00 p.m. on site.

There being no other business, the meeting ended at 11.10 a.m.

Minutes Confirmed

Chairperson: ----- Date: -----

Secretary: ----- Date: -----

Approved for Circulation

Chairman.....Date.....



SPEECH BY THE MINISTER FOR ENVIRONMENT AND NATURAL RESOURCES, HON. PROF. KIVUTHA KIBWANA, MP., DURING THE LAUNCHING CEREMONY OF A FACILITY TO SUPPORT PLASTIC RECYCLING GROUPS IN NAIROBI, ON SATURDAY 24TH JUNE 2006, MARINGO ESTATE, NAIROBI.

NOBEL PEACE LAUREATE, HON. PROF. WANGARI MAATHAI,
HON. MEMBERS OF PARLIAMENT,
NAIROBI PC, MR JAMES WAWERU,
MAYOR OF NAIROBI CITY, HIS WORSHIP, CLLR DICK WATHIKA,
DIRECTOR GENERAL OF NEMA, DR MUUSYA MWINZI,
REPRESENTATIVES OF UNEP, UNDP,
CHIEF EXECUTIVE OFFICER OF KAM, MS. BETTY MAINA,
REPRESENTATIVES FROM INSTITUTIONS FORMING THE PLASTIC STEERING COMMITTEE,
DISTINGUISHED GUESTS,
LADIES AND GENTLEMEN.

TODAY IS A SPECIAL ENVIRONMENT DAY FOR NAIROBI CITY, AS WE ARE ALL GATHERED HERE TO LAUNCH A VERY IMPORTANT PROJECT, WHICH IS EXPECTED TO ADDRESS THE PLASTIC PROBLEM, NOT ONLY IN NAIROBI, BUT ALSO IN THE COUNTRY AT LARGE. I AM GLAD THAT, THE PILOT PROJECT ON PLASTICS WASTE MANAGEMENT IN NAIROBI CITY, THAT WAS LAUNCHED IN JULY LAST YEAR, HAS FINALLY REACHED ITS CLIMAX WITH TODAY'S LAUNCH OF A FACILITY TO SUPPORT PLASTIC RECYCLING GROUPS.

PLASTICS ARE ESSENTIAL ELEMENTS OF INDUSTRIALIZATION AND SOCIAL-ECONOMIC DEVELOPMENT OF A COUNTRY. THIS IS DUE TO LINKAGE OF THE USE OF PLASTICS TO THE OTHER SECTORS OF THE ECONOMY, BE IT MANUFACTURING, TRADE, TRANSPORT, AGRICULTURE OR SOCIAL ACTIVITIES.

THE MARKETING TREND NOW IS FOR EXPORTERS TO MAKE SURE THAT, THE PACKAGING OF THEIR PRODUCT COMPLIES WITH THE WASTE MANAGEMENT POLICIES IN TARGET MARKETS. THE OVERALL TREND WORLD-WIDE IS FACILITATING REDUCTION, RE-USE AND RECYCLING OF PACKAGING THROUGH INCENTIVES AND DISINCENTIVES SUCH AS TAXES REVIEW AND THROUGH MANDATORY OR VOLUNTARY RESTRAINT.

AS YOU ARE ALL AWARE, PLASTIC PRODUCTS POSE DISPOSAL CONCERNS, AS DISCARDED PLASTIC PRODUCTS AND PACKAGING MAKE UP A GROWING PORTION OF MUNICIPAL SOLID WASTES. IN NAIROBI FOR EXAMPLE, 1500 TONNES OF SOLID WASTE IS COLLECTED, OF WHICH AN AVERAGE OF 1.5 % IS PLASTICS. IN TERMS OF WEIGHT, THIS TRANSLATES TO 225 TONNES OF PLASTIC. IN TERMS OF SURFACE AREA AND VISIBILITY, PLASTICS ARE NOTICEABLE BY THEIR BRIGHT COLORS AND THEIR PERSISTENCE IN THE ENVIRONMENT.

BECAUSE ONLY A SMALL PERCENTAGE OF PLASTICS IS RECYCLED (LESS THAN 1%), VIRTUALLY ALL DISPOSED PLASTICS PRODUCTS ARE PUT IN LANDFILLS, BURNT OR LEFT IN THE OPEN TO CAUSE OFFENCE. BY THE YEAR 2010 THIS QUANTITY IS LIKELY TO INCREASE TREMENDOUSLY. BECAUSE

RC

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

REPORT ON PLASTIC WASTE MANAGEMENT PROJECT

The Plastic Waste Management Pilot Project for Nairobi is a joint initiative between the National Environment Management Authority (NEMA), Kenya Association of Manufacturers (KAM), United Nations Environment Programme (UNEP) and United Nations Development Programme (UNDP). The Nation Media Group is a key partner in the project. (**Attached MOU**).

The project period was stated in the MOU as starting in September 2005 to June 2006. However, the implementation of some activities has necessitated slight adjustments in the programmes, especially the activities pegged on funds to be raised from other donors.

The project has four major components aimed at: identifying the policy and economic measures that need to be taken by the government, developing a comprehensive plastic waste management strategy for Nairobi city, providing technical and facility support for plastic recycling groups and conducting awareness and education programmes.

The Plastic Steering Committee of the Pilot Project is co-chaired by NEMA and UNEP. NEMA is the focal point for Awareness and Public Education Component. Disbursement of funds to other components has been done and activities are underway. UNEP's pledge to the Component is US\$13,000 and KAM's pledge is US\$4000. NEMA facilitates logistical support including transport arrangements. In December 2005, UNEP forwarded to NEMA US\$10,000, out of which US\$3,000 was for the Stakeholders Consultative Forum and US\$7,000 for Awareness and Education Component.

The Plastic Steering Committee has allowed KAM to process payments for the Component's activities, directly from the funds it had set aside for education and awareness. During the recent launch of a Facility to Support Plastic Recycling in Nairobi's Maringo Estate, KAM funded the production of banners for the event.

Attached is a logframe indicating the expenditures on activities (marked in bold letters) under the Education Component.

Cont.

Component Four: Awareness and Public Education

Project element	Expected outputs	Proposed project activities under this element	Time frame	Implementing partners	UNEP Funding (US\$)	KAM funding (US\$)	Sponsorship required (US\$)	Expenditure (US\$)
Defining the structure, content and tools for the awareness and education programme	The communication strategy together with the necessary education and awareness materials will be ready	Development of a communication strategy	August 2005	MCL/NMG/UNEP	-	-	-	3200
		Production & airing of a 10 Minutes TV Feature on plastic waste and its impacts	March - 21 st June 2006	NMG/UNEP	2000	1000	6,000	(KShs240,000) - UNEP
		Production of five 45 seconds public service announcements	New dates to be fixed	MCL/NMG/UNEP	2,000	1000	12,000	
		Production of posters, leaflets, and other awareness products	New dates to be fixed	MCL/NEMA/UNEP	2,500	-	-	
Launching of the awareness and education campaign	<ul style="list-style-type: none"> More rational utilization of plastic bags Facilitation of collection of plastic waste for recycling 	A half day seminar to media professionals	10 th March 2006	NEMA/UNEP	500	-	-	1. Booking Hall - US\$837 (Sh62,800) - UNEP 2. Transport (Sh34,400) - NEMA
		Logistical support for launch of facility for plastic recycling	24 th June 2006	UNEP/NEMA	-	-	-	1. Entertainment US\$214 (Sh16,100) - UNEP 2. Transport - NEMA (no cost)
		Launching event to mobilize media sponsorship	New dates to be fixed	MCL/KAM/NEMA	500	1,500	-	3. Banners - KAM
		School competition and public awareness events	New dates to be fixed	NEMA/UNEP/MCL	2,500	500	-	
		Media advertising and education programmes	New dates to be fixed	MCL	-	-	170,000**	

TOTAL Expenditures & Balance	10,000	4,000	Expenditures on UNEP funds (Out of US\$7000) = US\$4251 Balance US\$2749
Expenditures on NEMA funds (Out of Sh150,000) set aside in work plan) =Ksh34,400 Balance Sh115,600			

EXPENDITURE

Out of US\$7,000 forwarded by UNEP to NEMA, the expenditures total US\$4251. Balance is US\$ 2749 (Kshs206,175). NEMA set aside Ksh150, 000 in the work plan for the activity out of which Kshs. 34, 400 NEMA will account separately the expenditures on the Stakeholders' Consultative Forum whose funding was US\$3000.

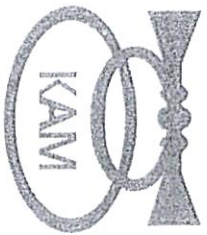
PSC allowed KAM to spend directly from its contribution (US\$4,000), which will be accounted separately.

PLC

OUTDOOR BANNER (9 mt x 1 mt) – 3 pieces

Pilot Project on Plastic Waste Management in Nairobi City

Through Policy & Economic Instruments, Management Strategy, Recycling and Public Awareness



NEMA

NCC

Plastic is Money! Dispose Plastic Bags Responsibly!

HC - Plastics SW

**Proceedings of the National Stakeholders Consultative Forum on
Sustainable Management of Plastics Waste in Nairobi City, held at the
College of Insurance, Nairobi on 22nd June 2006.**

Acknowledgement

We commend all participants who attended the National Stakeholders Consultative Forum in Nairobi, for finding time to contribute to the development process of the Policy and Economic Instruments draft as well as to the draft Comprehensive Strategy to Sustainable Management of Plastics Waste in Nairobi City. We appreciate the assistance offered by the United Nations Environment Programme (UNEP) and the Kenya Association of Manufacturers (KAM), which immensely contributed to the successful completion of the drafting process of the two policy instruments. We also thank the organizations for their financial assistance that facilitated the planning of the Consultative Forum at the College of Insurance, Nairobi.

We also recognise the key role played by the United Nations Development Programme (UNDP) in providing assistance to the Recycling Component, which enabled it to realise some of its objectives. Special tribute goes to component leaders who have successfully steered the drafting process to this stage. We appreciate the contributions from various stakeholders including the Plastics Industrial Sector, regulatory institutions and community based organizations. Lastly, we thank the management and staff of the College of Insurance for their contribution that made the day a success.

Proceedings of the National Stakeholders Consultative Forum on Sustainable Management of Plastics Waste in Nairobi City, held at College of Insurance on 22nd June 2006.

1. Opening Remarks

1.1. Introduction by Mr. F.N. Kihumba

The Pilot Project Coordinator, Mr. Francis Kihumba, thanked the participants for finding time to attend the forum. He gave an overview of the Pilot Project on Sustainable Management of Plastics Waste in Nairobi City. He reported that the Project's key partners comprised: Stakeholders; National Environment Management Authority (NEMA), United Nations Environment Programme (UNEP), Kenya Association of Manufacturers (KAM), United Nations Development Programme (UNDP), City Council of Nairobi (CCN) and Nairobi Central Business District Association (NCBDA).

He stated that the concept of Plastics Waste Management started in the 1990's spearheaded by the Ministry of Environment and Natural Resources. He presented the following chronology of activities undertaken by the Project:

- In 2002, NEMA and KAM developed a 10-Point Action Plan aimed at sustainability of managing the plastic wastes.
- The process of coming up with the 10-Point Action Plan was participatory with many stakeholders consulted.
- The process culminated in the launch of the Pilot Project on Sustainable Waste Management of plastic wastes, at the Sailing Club, Nairobi, on 19th July 2005. UNEP and KAM funded the event.
- The project comprises of four components: Policy and Economic Instruments whose focal point is the Kenya Institute of Policy Research and Analysis (KIPPRA), Comprehensive Strategy under the Kenya National Cleaner Production Centre (KNCPC), Recycling headed by the Practical Action formerly ITDG, and the Awareness and Public Education headed NEMA.

He noted that the Forum was expected to: Endorse; improve; reject; suggest modes of mobilizing resources and implementation timeframe and the way forward. He reported that future strategy might involve: Integration of plastic waste management in solid waste regulations; formulation and enforcement of stringent standards. He noted that the sector recorded a 10% growth rate with a production of 4,000 tonnes per month.

He further underscored that NEMA's mandate includes the promotion of resource use efficiency, which is the major element of waste management. Hence, it was important to identify priorities in waste management approaches. It was necessary to embark on planning and research on alternatives as well as evaluation of other impacts.

1.2. Video Documentary Presentation.

The video documentary on plastic waste was played to the participants at the start of the Forum.

Key issues discussed:

- a) Highlights on environmental impacts of plastics
- b) Introduction of plastics in the market has considerably impacted on the people's lifestyles.
- c) Key speakers in the documentary were Prof Wangari Maathai (Nobel Peace Laureate), Dr. Muusya Mwinzi (Director General, NEMA), Dr. Desta Mebratu (Representative, UNEP) and Mr. Bimal Kantaria (Chairman, Plastic Sector, KAM),
- d) Dr. Mebratu emphasized the importance of stakeholders owning the Project for replication in other parts of the country.
- e) Mr. Kantaria lauded the role of the Recycling Component in sustainably managing plastics. He said the recycling sector had invested Kshs 100 million in the industry and would like the government to support the sector by provision of incentives.
- f) The City Council of Nairobi (CCN) is the key stakeholder in this process and should spearhead the efforts.
- g) Dr Mwinzi discussed the integration of environment in plastic development. He said collaboration of all stakeholders is key to sustainable plastic management.
- h) It was also noted that wealth creation policy of the government is in line with the proper utilization of waste.
- i) The **Keep Kenya Klean (3K)** campaign soon to be rolled out in the country by NEMA aims at complementing the efforts of stakeholders from the Forum.

1.3. Remarks by Director General - NEMA

1. The Director General of NEMA, Dr Muusya Mwinzi, stressed the need for the Government to partner with the industry to ensure a win-win situation. He emphasised the importance of environmentally sound management of wastes. He recommended that recovery and disposal should be carried out responsibly and noted that the industry must play a key role. He informed the forum about the concerns of leaders and the public for an urgent solution to the plastics menace. However, he noted that banning of plastics had not been considered yet, but urged the industry to participate fully in creation of awareness among the public for attitude and behavioral change.

2. Session 1: Policy and Economic Instruments, presented by KIPPRA

Mr. Clive Mutunga, a representative from KIPPRA, during his presentation informed participants that various stakeholder meetings were held during development of the Policy and Economic Instruments package. He also addressed the problem of managing the approximately eight million plastic bags generated every month and distributed through supermarkets.

Mr Mutunga reported that the policy includes three broad categories:

- (i) Regulatory instruments – command and control.
- (ii) Economic instruments
- (iii) Voluntary information based

He gave examples of countries where different instruments had been employed to solve the plastics problem as shown below:

- (i) Levies- like South Africa, China and Tanzania
- (ii) Outright ban, like in Rwanda
- (iii) Shopping bags ban, in some EU countries

He noted that the policy development involved examination of existing menu of instruments. The process involved review of the experiences by various stakeholders and the proposed package was a hybrid of all of them.

Mr Mutunga also informed the Forum that the initial phase involved implementation of the command and control instruments of banning production of bags less than 20 microns. He reported that Section 57 of EMCA (1999) promotes adoption of economic instruments through incentives and disincentives. He also emphasised the need for the enterprises to focus on plastics waste in their Corporate Social Responsibility package.

2.1. Reaction by Discussants

a) 1st Discussant: Dr. Mayabi (Chairman, Civil Engineering Department. JKUAT)

Dr Mayabi noted that the report was well prepared and it had proposed levies to the consumer. He said the problem with plastics is on their over-use and misuse. He reported that recycling companies were operating below capacity and can recycle more plastics. He suggested that a collection system be established to get the plastics back from the consumer.

He recommended that use of alternative bags such as biodegradable bags should be encouraged. He observed that sisal/cotton bags may not be a better alternative due to scarcity.

b) 2nd Discussant: Dr. Nyandawa (Civil Engineering Department. JKUAT).

Dr. Nyandawa observed that behavioural change of consumers towards plastics usage should be looked into and they be encouraged to separate plastics from normal kitchen waste. He noted that reduction is key in tackling the menace hence the need to promote the 4-R (Reuse, Reduce, Recycle and Recover) strategy. He observed that through promotion of Green Companies, economic incentives would encourage this through corporate social responsibility. He suggested that a proposal could be developed under PADELIA to sensitize the private sector on EMCA and hence CSR towards the environment. He mooted the bottom line-self regulation coupled with attitude and behavior change to accomplish a clean and healthy environment for all.

2.2. Presentation by Ms. Ann Angwenyi, Ag. Director, Legal Services

Ms. Angwenyi highlighted and informed participants about the sections of the waste regulations relevant to the plastics waste management. She reported that the regulations were at an advanced stage and were with the office of the Minister for onward transmission to the Attorney General for gazette.

2.3. Comments

(i) UNEP Representative

Dr. Mebratu (UNEP, ROA) suggested the segmentation of the market, adding that the developing countries were looking into ways of moving out of incineration. He emphasised that reuse of waste in a better way is more sustainable in the long run.

He implored the manufacturers to view introduction of economic instruments in plastics waste management as a win-win and not a win-lose situation. He observed that rational utilization of the resources actually benefited the industries at the end of the day.

(ii) Plastics Sector Representative

Mr. Bimal observed that proposed levies would translate into higher or more taxes; introduction of minimum thickness results in reduced production due to higher reuse which would lead to loss of jobs and affect consumers at kiosks retail level since 80% of bags are consumed by small earners, as they will have to pay more.

(iii) Mr. Ndugire - NEMA

Mr. Ndugire observed the importance of building capacity to educate the public to understand the policy package. He noted that implementation of the proposed instruments should be addressed at this level for effective realisation of the strategy. He also observed that political will is paramount for the success of this project as it addresses key issues such as behaviour change, taxes etc.

(iv) Eng. Henry Ndede, UNEP-ROA

Eng. Ndede noted that the proposal did not address incentives to consumers e.g. separation of waste, adding that the manufacture of products from the recycled waste plastic would make the project more sustainable. He suggested that incineration of plastics could be explored as a way of energy recovery.

3. Session 2: Comprehensive Strategy for Sustainable Management of Plastic Waste in City Council of Nairobi by Mr. Kelvin Khisa, D/Director – KNCPC

3.1 Overview.

He reported that many cities are producing more waste than they can manage. He noted that current approaches of waste management are neither effective nor sustainable. He

reported that the strategy included methods of minimizing the production of waste through promotion of the 4 Rs (Reuse, Reduce, Recycle and Recover).

He noted that most of Africa does not know how to manage waste but know how to dump waste and suggested promotion of attitudinal and behavioural change. He reported that the consumers are the greatest culprits of waste and hence behavioural change would ensure sound waste management.

He reported that the Strategy identified 3 operational phases:

- a) Bridging phase – 100 days – activities under the rapid result initiative
- b) Short term – 3 years in Embakasi – Piloting strategy
- c) Medium term – scaling up the project to the rest of Nairobi, then spread the concept country-wide.

He observed that success of this strategy relied heavily on the Nairobi City Council, which is the lead agency in its operationalization. He also noted the CCN's inadequate capacity and challenged NEMA to spearhead and ensure that national and municipal policy on solid waste management is developed.

3.2. Reaction by Discussant - Dr. E. Kituyi (Chemistry Dept., University of Nairobi)

3.2.1 Weaknesses

Dr. Kituyi noted the following areas of weaknesses

- a) Lessons learnt have not been documented on the successful stories
- b) Activities proposed do not have an 'R.'
- c) Indicate kind of roles played by universities.
- d) Document capitalized on CCN's weaknesses. However, the good should also be highlighted.
- e) It suggests failure of the private sector in managing waste. It should also address this issue.
- f) A key strategy should be implemented to help CCN meet its goals
- g) The document fails to show how the systems approach will be implemented.
- h) Piecemeal approaches are put forward and a clear structure should be used to show how this would be done.
- i) A strategy of formalizing the neighbourhood associations and youth groups should be devised
- j) Lessons and experiences are lacking from the youth group participation.
- k) Document does not identify meaningful sources of finances. How can we sensitize the MPs to see need to include waste management issues in Constituency Development Fund (CDF) activities?
- l) Transition from Phase 1 and 2 should show how monitoring will be done
- m) General mismatch of the issues was raised. The strategy on how to implement is lacking.

3.2.2 Suggestions

He made the following suggestions:

- a) Phase 1 should focus on removing the barriers to avoid risking failure.

- b) Design activities to strengthen the CCN bylaws
- c) Sensitize the city MPs and CDF committee members
- d) Identify the clear role of the
- e) Have committees form associations and incorporate them into the comprehensive strategy for plastic waste management
- f) Need for M&E after phase one, need to streamline the background and the strategy itself.
- g) Need for a financing strategy to mobilize meaningful sources of funds. Consider CDF and sensitize CDF committees/use of youth groups.
- h) Need for M&E after phase one, need to streamline the background and the strategy itself.

3.3. Comments

(i) Dr. Ikiara observed the need of more awareness in order for the strategy to succeed.

(ii) Talani Industries representative, Mr Patel, noted that:

- o Recycling should be encouraged. The machines are not important. Groups should come up with clear objectives and surely solid waste management will be effective.
- o Importing a machine costs Kshs1 million while fabricating it locally would cost about Kshs.250,000.
- o Government should support various initiatives.

(iii) Mr. Khisa reported that KNCPC would re-focus the document in line with the comments and informed the forum that waste is money and we should change our thinking. He observed that once the strategy is in place it will be the role of CCN to implement it.

(iv) Dr. Desta urged the CCN to take the lead role in solid waste management issues.

(v) The first year should focus on removing the barriers facing the City Council.

- (i) By removing barriers to political will
- (ii) Sensitize city MPs and CDF committees members
- (iii) Identify a clear role for the scavengers
- (iv) Form associations and empower them to participate

4. Session III: Plastics Recycling and Local Experiences

(i) R.H.Devani Enterprise.

Mr. Devani informed the forum that he has vast experience in plastic recycling and has been in the business since 1959. He reported that he recycled a lot of plastics especially flimsy plastics. He noted that issues of concern are encroachment of slums into the industrial area hence reducing storage space. He observed that Low-Density Polyethylene (LDPE) contain hydrocarbons, which are a nuisance in the environment. This should be controlled although recycling them was difficult.

(ii) Eurasia Plastics, Mr. Bert

He reported Eurasia Plastics is involved in recycling of plastic bottles. He reported that he recycles about 30 tonnes of plastics daily but has a production capacity of 60 tonnes/day. He noted that the demand for recycled plastics was high due to ready market.

(iii) Kayole Environmental Management Association (KEMA)

Mr. Simeon Muniwe reported that KEMA was established in 1999 by Kayole residents and registered in 2000. He noted that it was formed as a result of concerns of the poor solid waste management by City council of Nairobi. He reported that KEMA collects wastes from 120,000 households in Kayole; from which they make compost manure from biodegradable wastes and recycle the plastics portion. He noted that KEMA has not received any external support.

(iv) Forum Concerns

Participants at the Forum raised the following concerns:

- (i) Lack of recognition and support for the recycling groups
- (ii) Lack of coordination of the activities of all recycling groups
- (iii) Industries do not meet their production capacity because of difficulties in the process of collection
- (iv) Pilot Project has exposed some of the recycling efforts in the country e.g. KEMA, recycling industries etc
- (v) The need for further research and need to strengthen these activities.

A representative from the Ministry of Planning, Mr. Nyangena, noted that request for the proposed incentives should be formally made to the Treasury for budgetary allocation and inclusion in the financial bill.

(v) Recycling – ITDG – David Kuria

Mr. Kuria reported that the Recycling Component implementation team comprised of NEMA's PDE and DEOs, Compliance Department and Representatives from Research Institutions (JKUAT and University of Nairobi). He told the Forum that 13 collection points had been set up in the eight divisions of Nairobi Municipality; and a cooperative was formed with 200 people. He noted that the Component had facilitated its registration in November 2005 through the Cooperative Act. Mr Kuria further observed that the Component had created much exposure to members of the Cooperative through trips to exhibitions in Dar-es Salaam and Kampala, such as COMESA meetings.

He noted that the Component was offering technical support through cooperation with JKUAT, which was fabricating a plastics washing machine. Mr Kuria reported that the manual cleaning equipment would be demonstrated the following Saturday, during the launch of a facility to support recycling groups, to be held at Maringo Estate, Makadara Division. Similar events would be organised in the other divisions of Nairobi.

5. AWARENESS AND PUBLIC EDUCATION

Ms Damaris Kimilu, mentioned that the Component implementation team comprised of UNEP, NEMA, CCN, NTV and KAM.

She informed the Forum that the Component's objective was to conduct awareness and education programs for the general public, adding that the Component was expected to integrate the accomplishments of three other components namely Policy and Economic Instruments, Comprehensive Strategy and Recycling.

She observed that the main task of the Component was to develop a communication strategy to promote the 3R Strategy through 3K campaigns and educate the public on responsible plastic bag disposal measures. She reported that the following activities had been undertaken: -

- a) 10 minute TV documentary developed and aired on 21st June 2006
- b) A Media seminar held in March 2006
- c) Banners printed for the Forum and launch at Maringo Estate.
- d) Documentary would be improved to incorporate views from the participants

5.1. Way Forward

She reported that the team intended to use the 3K campaigns with message thrust on 3R strategy.

5.2. Comments

The participants requested the component to: -

- a) Focus more on the consumer behaviour
- b) Include the youths in the awareness campaign
- c) Ensure more youths are enlisted

The representative of UNDP, Dr. Chris Gakahu, noted that information is a key component and should create good awareness. He suggested that a Plastics Train from Kisumu to Nairobi could be arranged as well as to organise plastic ball competitions and awards for teams with the largest balls.

6. Forum's Recommendations

The participants made the following recommendations:

(i) General

- a) Incentives for consumers to segregate wastes be explored.
- b) Levies charged on plastics be used to establish a Plastics Managing Fund
- c) Evaluate the effect of levies on the competitiveness of industries
- d) Promote incentives for the production of biodegradable plastics
- e) Encourage incentives for CSR programs to fund plastics issues
- f) Publicize the quality of recycled products to promote their marketability
- g) A feature on the role of CCN's Environment Department in plastics wastes management should be included in *NEMAnews*.
- h) Practical recycling experience be included in the documentary
- i) Encourage local fabrication of recycling machines than importation
- j) Teach up-coming CBOs how to recycle plastics
- k) Finalize regulations on economic instruments

(ii) Documentary

The documentary did not indicate what practical action was expected of the consumers. Dr. Desta reported that the awareness activities had just rolled out and the role of consumers would be included in clear messages in future documentaries.

Mr. Bimal congratulated NEMA/UNEP for the good job and reiterated that recycling is the ultimate answer to the plastics menace. He observed that City council should strongly support the program for its success. He reported that the plastics sector had invested Kshs.100 million in machinery for recycling. He requested the Government to contribute financially through the Ministry of Environment and Natural Resources.

NEMA's Director of Compliance and Enforcement Mr. Maurice Mbegera, inquired about the progress made in the realization of the 10-Point Action Plan. He observed that NEMA was on course on the formulation of environmental standards and regulations.

7.9. Closing Remarks: DG-NEMA

Highlights:

- The Director General commended all the participants for their contribution during the discussions.
- He said the Pilot Project had demonstrated that there is an opportunity in plastic waste management. He further noted that issues raised should be included in the final policy and strategy towards a comprehensive management of plastics
- Awareness creation should ensure the recycling and recovery of flimsy plastics from the environment
- Special thanks:
 - UNEP, particularly Dr. Mebratu, for the support in funds, leadership and vision.
 - UNDP, particularly Dr. Gakahu for continued support to NEMAs activities
 - KAM for partnership in the pilot project. He paid tribute to the leaders of the four components of the pilot project, for their gallant work.
 - Component focal points such as KIPPRA, KNCPC, NEMA, Practical Action and media stakeholders, especially the Nation Media Group.
 - Two discussants, Dr Mayambi and Dr Nyandawa who reviewed the documents presented to the Forum.
 - Exhibitors and other members of the business community
 - Administration and staff of the College of Insurance for their good services.

The Director General welcomed participants to the launch of a facility to support recycling of plastics, on 24th June, at Maringo Estate, Madaraka Constituency, Nairobi.

End.

MINUTES OF THE 6th MEETING OF THE PSC OF THE PILOT PROJECT ON
SUSTAINABLE MANAGEMENT OF PLASTICS WASTES IN NAIROBI HELD AT NEMA
BOARDROOM ON 10/5/2006

Present	Organization	Landline	email
1. Dr. Desta Mebratu		UNEP-ROA	(Co-chair)
2. Ms. Jane Nyakango		KNPCPC	
3. Mr. Clive Mutunga		KIPPRA	
4. Mr. Gerald M. Muriuki		Practical Action (ITDG)	
5. Mr. David Etangata		Nation	
6. Mr. Francis Kihumba		NEMA	
7. Mr. Titus Mung'ou		NEMA	
8. Mrs. Ruth Musembi		NEMA	
9. Mr. Ngondi		GBM	
10. Mr. P.N.Watoro		PDE's off. -NBI	
11. Mr. Muitungu Mwai		NEMA (Recording)	

Absent with Apologies.

1. Ms. Damaris kimilu	KAM
2. Mr. David Kuria	ITDG
3. Mr. Robert Orina	PDE (NBI)
4. Ms. Fatuma Mohammed	PDE's off. -NBI

Absent without Apologies.

1. Mr. Wafula Nabutolla	NCBDA
2. Mr. Samuel Mwangi	CCN
3. Ms. S Wandeu	Saatchi & Saatchi
4. Ms. Sarah Mwendwa	UNEP-ROA

Min 1/6/2006: Introduction And Opening Remarks From The Chair.

The meeting was called to order at 9:25am. The chair thanked members for finding the time to attend the meeting. He noted the presence of Mr. Ethangata from the Nation Media Group (NMG) and Mr. Muriuki from ITDG who were attending the PSC for the first time. He then requested for members' suggestions on the proposed agenda items.

Min.2/6/2006: Adoption of the Agenda

The meeting adopted the following agenda items after some revisions:

- i. Introduction & Remarks from the Chair
- ii. Adoption of the Agenda.
- iii. Confirmation of Minutes of the 4th & 5th Meeting
- iv. Matters Arising
- v. Component Briefs
 - Comprehensive Strategy
 - Policy & Economic Instruments
 - Recycling
 - Public Awareness
- vi. Stakeholders Consultative Forum Preparation

- vii. Launch of the Program
- viii. Any Other Business.

Min.3/6/2006: Confirmation of Minutes of the 4th & 5th PSC Meetings.

The meeting confirmed after some amendments the minutes as a true reflection of the proceedings of the 4th and 5th PSC meetings.

Min.4/6/2006: Matters Arising

Min.5/06: Safaricom-Principal sponsor.

It was noted that the enthusiasm of safari-com to remain a principal sponsor as indicated by their PR representatives was unclear. The meeting suggested that a meeting between Ag. Director General-NEMA and the Safari-com CEO be organized before the launch. It recommended that suggestions be through a formal letter followed up with a telephone call.

Min.5/06: A.O.B

It was clarified that the 5th meeting had suggested that KAM could directly pay for the specific products/services to be provided to the public awareness and education component.

The meeting directed that a formal letter and the corrected minutes be forwarded to KAM on the subject. *Action Secretariat*

Min. 5:/6/2006 Component Briefs

i) Policy and Economic Instruments-

Mr. Mutunga, the component representative reported that the draft report on policy and economic instruments had been forwarded to most stakeholders and to the reviewers through NEMA.

ii) Comprehensive Strategy

Ms. Jane Nyakango, the component leader, reported that the draft report had been submitted to NEMA for transmission to reviewers after initial review by CNN.

She reported that the Rapid Results Initiative (RRI) program had been launched and the MOLG and CCN were jointly implementing it. She noted that the selected operational area for the RRI was the CBD. She reported that the activity was being funded from LATIF and MLG accounts. She noted that its time period was 90 days and to be extended to others divisions and other councils could replicate the same. She noted that the Consultative meeting is the basic for monitoring of the pilot project. She noted the consultative forum was expected to give the program a national outlook.

Comments

The members agreed on an evaluation meeting to be organized immediately after the consultative forum.

iii) Recycling

Mr. Muruiki from Practical Action reported that the plastics cooperative society had been provided with waste handling gear, protective gear, had been trained and to date about 20 tones of plastic had been collected. He reported that the washing machine was to be collected from JKUAT in a week's time.

Comments

The meeting agreed that NEMA and ITDG to jointly identify the site for launching the plastics collection activities. The members emphasized the need for transparency on the price of the collected plastics if the project was to meet one of its objectives of poverty reduction and increased recycling of plastics. It was suggested that the price be agreed on through consensus.

iv) Education and Public Awareness

a) NMG & NEMA

It was reported that a documentary on C21 had clearly captured the plastics problem. It was also noted that KTN had also covered the plastics issues as part of its news items.

It was reported that Dr. Desta had reviewed the documentary for the pilot project and suggested changes had been incorporated. The meeting was informed that the documentary was not available then for viewing.

It was noted that Safaricom could be included in the documentary as one of the sponsors before its finalization.

The meeting agreed that the Minister for Environment be briefed on the progress of the project. It was agreed that possibilities of a joint press briefing on plastics initiatives between the Permanent Secretary Ministry of Local Government and Ministry of Environment and Natural Resources be explored. *Action. Mr. Kihumba & Mr. Mongou*

The meeting noted that the documentary by NEMG would be available to other media houses in DV-cam broadcasting quality. This is to be carried at no cost to other media houses.

b) green Belt Movement (GBM)

Mr. Ngondi reported that GBM was organizing plastic waste management campaign funded by Montenai. Some of the activities included development of posters/banners, pamphlets, caps-with 3Rs inscriptions and T-shirts.

c) Comments

It was suggested that GBM could purchase products made from recycled plastics to contribute to poverty reduction.

He responded that GBM had identified 10 groups at Kariobangi light industries, to be facilitated with market for their products.

It was reported that IUCN was interested in participating in the plastics waste management initiatives and agreed that they be invited for the consultative forum.

Min. 6/6/2006: Consultative Forum Preparation.

The meeting on noting the loose ends in preparation of the launch of plastics collection activity, postponed the meeting to 8th June, 2006 at a venue to confirmed by the secretariat.

Min. 7/6/2006: Program of the Launch

The launch activities will include:-

- i) Delivery and reception of plastics
- ii) Cleaning of plastics
- iii) Weighing of plastics
- iv) Handing over of plastics to the recycling industry.

It was emphasized that NEMA & ITDG consult CCN in Identification of a suitable site for the launch to ensure ownership by the Local Authority.

The meeting requested the recycling component to meet on Friday 12/05/2006 to thrush out the loose ends in the organization at the Nyayo House. *Action: Mwai to contact other component members*

The meeting also agreed to request KAM to host a PSC at their premises on 16/05/2006. *Action: Secretariat*

Min. 8/6/2006: A.O.B

It was noted that the plastics project was expected to play a key role in COP 8 of the Basel Convention activities. It was hoped recycled products would be displayed and video clip of the plastics documentary be presented. It was agreed that more products from recycled materials be displayed; CBOs be requested to present products and all recyclers be invited to the forum to display. *Action: Secretariat.*

It was agreed a summary report and a brochures on the project could be distributed during Basel Convention COP 8. It was suggested that a professional could be contracted to carry out the exercise. It was noted that funds from the public awareness and education component could be used for this activity.

There being no other business the meeting ended at 12.05 pm.

Confirmation of the minutes

ChairmanDate

SecretaryDate