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Rt. Hon. Speaker
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J. M. Nyegenye, C.B.S.,
Clerk of the senate/secretary, PSC
Date: 22/04/2026

THIRTEENTH PARLIAMENT

THE SENATE

STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND
TECHNOLOGY

REPORT ON THE ELECTRONIC EQUIPMENT DISPOSAL RECYCLING AND
REUSE BILL, 2025 (SENATE BILLS NO. 5 OF 2025)

PAPERS LAID	
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COMMITTEE	-
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28/04/26

APPROVED
RT. HON. SEN
AMASON J. KINGI

Clerk's Chambers,
Parliament Buildings,
NAIROBI.

April, 2026

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LIST OF ABBREVIATIONS/ACRONYMS

MP	Member of Parliament
NEMA	National Environment Management Authority
CS	Cabinet Secretary
CECM	County Executive Committee Member
COG	Council of Governors
WEEE	Waste Electrical and Electronic Equipment
WHO	World Health Organisation
ICT	Information Communications and Technology
E-waste	Electronic waste
CEC	County Executive Committee
EEE	Electrical and Electronic Equipment
EIA	Environmental Impact Assessment
EMCA	Environmental Management and Co-ordination Act
EPR	Extended Producer Responsibility
KICTANet	Kenya ICT Action Network
KNRA	Kenya Nuclear Regulatory Authority
NuPEA	Nuclear Power and Energy Agency
PRO	Producer Responsibility Organisation
SWMA	Sustainable Waste Management Act

PRELIMINARIES

ESTABLISHMENT AND MANDATE OF THE COMMITTEE

The Standing Committee on Information, Communication and Technology is established under Standing Order 228(4) and the Fourth Schedule of the Senate Standing Orders. The Committee is mandated to consider all matters related to technology, engineering and electronic research, information, broadcasting and Information, Communications and Technology (ICT) development.

MEMBERSHIP OF THE COMMITTEE

The Committee is comprised of the following Members: -



Sen. Allan Kiprotich Chesang; CBS, MP
Chairperson



Sen. Miraj Abdulahi Abdulrahman, MP
Vice-Chairperson



Sen. William Kipkemai Kisang, MP
Member



Sen. Tabitha Karanja Keroche, MGH, MP
Member



Sen. Samson Kiprotich Cherarkey, MP
Member



Sen. Hezena Lemaletian, MP
Member



Sen. Issa Juma Boy, MP
Member



Sen. Shakila Abdalla Mohamed, MP
Member



Sen. Beatrice Akinyi Ogola, MP
Member

CHAIRPERSON'S FOREWORD

Hon. Speaker,

The Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025), sponsored by Sen. Peris Tobiko, MP was published *vide* Kenya Gazette Supplement No. 67 of 9th May, 2025. The Bill was introduced in the Senate by way of First Reading in the Senate on Tuesday, 23rd September, 2025 and subsequently stood committed to the Standing Committee on Information, Communication and Technology for consideration.

The Bill seeks to provide a legal and institutional framework for the environmentally safe disposal, recycling and reuse of electronic waste (E-Waste) in Kenya. The Bill further seeks to establish a National E-Waste Recycling Plant, e-waste sorting sites at county level and e-waste consolidation sites at the ward level.

Hon. Speaker,

Pursuant to Article 118 of the Constitution and Standing Order 145 (5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the *Star* and *Standard* newspapers on Tuesday, 7th October, 2025 inviting members of the public to submit written memoranda to the Committee on the Bill. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.

The Committee received written submissions from eight (8) stakeholders, namely, the National Environment Management Authority (NEMA), the Ministry of Environment, Climate Change and Forestry, the WEEE Centre, Bopinc, the Kenya Nuclear Regulatory Authority (KNRA), Nuclear Power and Energy Agency (NuPEA), the Council of Governors (COG) and the Kenya ICT Action Network (KICTANet).

Hon. Speaker,

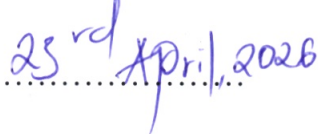
The Committee thereafter proceeded to consider the provisions of the Bill and the submissions received thereon. Based on its deliberations, the Committee has made various observations which are set out at Chapter Four of this Report. The Committee recommends to the Senate to consider and pass the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025) with the amendments proposed by the Committee.

Hon. Speaker,

I wish to thank the stakeholders who submitted written memoranda and comments on the Bill.

I also take this opportunity to commend the Members of the Committee for their devotion and commitment to duty, which made the consideration of the Bill successful. Lastly, I wish to sincerely thank the Offices of the Speaker and the Clerk of the Senate for the support extended to the Committee in undertaking this important assignment

It is now my pleasant duty, pursuant to standing order 148 (1), to present the Report of the Standing Committee on Information, Communication and Technology on the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025).

Signed:..... Date:.....

SEN. ALLAN KIPROTICH CHESANG', CBS, MP,
CHAIRPERSON, STANDING COMMITTEE ON INFORMATION,
COMMUNICATION AND TECHNOLOGY.

CHAPTER ONE: OVERVIEW OF THE BILL

Background

1. The Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025), sponsored by Sen. Peris Tobiko, MP, was published *vide* Kenya Gazette Supplement No. 67 of 9th May, 2025.
2. The Bill was introduced in the Senate by way of First Reading on Tuesday 23rd September, 2025 and thereafter stood committed to the Standing Committee on Information, Communication and Technology for consideration.
3. The environmental protection and waste management framework in Kenya is primarily anchored in the Environmental Management and Coordination Act and the Sustainable Waste Management Act. These laws provide the overarching framework for environmental protection and waste management, including provisions relating to hazardous waste, waste reduction, recycling and environmentally sound disposal.
4. However, the existing legal framework does not comprehensively address the unique challenges associated with electronic waste (e-waste), which requires specialized handling, recovery, recycling and disposal processes due to the hazardous materials contained in electronic equipment. With the rapid growth in the use of electronic devices and digital technologies, there has been a corresponding increase in electronic waste. Improper handling and disposal of such waste poses risks to human health and the environment due to the presence of toxic substances that may contaminate soil, water and air if not properly managed.
5. It is against this backdrop that the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 seeks to establish a specific legal and institutional framework to guide the environmentally sound management of electronic waste in Kenya.

Object of the Bill

6. The principal object of the Bill is to:
 - a) provide for sustainable, environmentally compliant mechanisms for the disposal, recycling and reuse of electronic equipment;
 - b) improve the health of all Kenyans by ensuring proper collection and disposal of e-waste;
 - c) create an enabling environment for employment in the green economy in e-waste management;
 - d) establish the National E-Waste Recycling Plant, the e-waste sorting site and the ward consolidation site; and
 - e) promote the right to a clean and healthy environment in accordance with the Constitution.

Overview of the Bill

Part I: Preliminary

7. **Clause 1** provides the short title of the Act.
8. **Clause 2** defines key terms used within the Bill, including "Authority," "Cabinet Secretary," "e-waste," "e-waste practitioner," "e-waste sorting site," "National e-waste Recycling Plant," "recycle," "re-use" and "ward consolidation site."
9. **Clause 3** sets out the objects of the Act.
10. **Clause 4** sets out the guiding principles to be applied in implementing the Act, including promoting the right to a clean and healthy environment and applying the zero-waste principle.

Part II: Functions of National Government and County Governments

11. **Clause 5** sets out the functions of the Cabinet Secretary responsible for environment matters, including developing e-waste management policy in consultation with the Council of County Governors, classifying e-waste, co-ordinating adherence to international obligations, developing strategies and standards for e-waste disposal, monitoring the value chain of e-waste management, licensing National E-Waste Recycling Plants, and conducting public education and awareness.
12. **Clause 6** sets out the powers of the Cabinet Secretary to determine levy fees, manage and administer assets, receive grants and donations, invest funds and open bank accounts for purposes of implementing the Act.
13. **Clause 7** sets out the functions of the County Executive Committee Member responsible for environment matters, including advising the Governor on e-waste disposal and management, preparing county e-waste management plans, establishing e-waste sorting sites and ward consolidation sites in the county, preparing quarterly monitoring reports, registering and licensing e-waste collectors, and conducting public education and awareness.

Part III: Collection, Transportation and Recycling of E-Waste

14. **Clause 8** places a duty on every person who generates e-waste in Kenya to dispose of the e-waste at the designated ward consolidation site within their respective ward. Contravention of this duty constitutes an offence punishable by a fine not exceeding twenty thousand Kenya Shillings or imprisonment for a term not exceeding six months or both.

15. **Clause 9** provides for the licensing of e-waste collectors by the respective county government. An applicant for a licence must submit an application in the prescribed form together with the prescribed fees to the county executive committee member for consideration. Contravention of the licensing provisions constitutes an offence punishable by a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.
16. **Clause 10** provides for the licensing of e-waste recyclers by the respective county government. An applicant for a licence must submit an application in the prescribed form together with the prescribed fees to the County Executive Committee Member for consideration. Contravention of the licensing provisions similarly constitutes an offence punishable by a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.
17. **Clause 11** provides that a licence issued under the Act shall be valid for a period of one year.
18. **Clause 12** provides for appeals by aggrieved applicants or licensees to a court of competent jurisdiction within thirty days of the decision of the Cabinet Secretary or county executive committee member.
19. **Clause 13** empowers the Cabinet Secretary or county executive committee member to cancel a licence if the licensee fails to meet any imposed conditions, fails to comply with the provisions of the Act or surrenders the licence.
20. **Clause 14** sets out the responsibilities of e-waste collectors, including handling e-waste in the prescribed manner and delivering e-waste collected from ward consolidation sites to designated e-waste sorting sites or the National E-waste Recycling Plant. Contravention constitutes an offence punishable by a fine not exceeding fifty thousand shillings or imprisonment for a term of six months or both.
21. **Clause 15** sets out the responsibilities of e-waste recyclers, including reclaiming e-waste from the National E-waste Recycling Plant in the prescribed manner. Contravention similarly constitutes an offence punishable by a fine not exceeding fifty thousand shilling or imprisonment for a term of six months or both.

Part IV: Establishment of a National E-Waste Recycling Plant, County E-Waste Sorting Site and Ward Consolidation Site

22. **Clause 16** empowers the Cabinet Secretary, in consultation with the National Environment Management Authority (NEMA), to establish a National E-Waste

Recycling Plant by notice in the Gazette. The declaration shall define the geographical area of the plant, which shall be no less than thirty acres, and shall include a buffer zone of no less than a five-acre radius. The land may be alienated for use of recycling e-waste to e-waste recyclers within the plant.

23. **Clause 17** empowers the Governor, on recommendation of the respective county executive committee member, to establish an e-waste sorting site by notice in the Gazette. The declaration shall define the geographical area of the site to be no less than five acres, with a buffer zone of no less than a two-acre radius.
24. **Clause 18** empowers the Governor, on recommendation of the respective county executive committee member, to establish a ward consolidation site by notice in the Gazette. The declaration shall define the geographical area of the site to be no less than one acre, with a buffer zone of no less than a one-acre radius.
25. **Clause 19** empowers the Cabinet Secretary, in consultation with NEMA and the Council of County Governors, to prescribe standards, guidelines and requirements for the establishment of the National E-Waste Recycling Plant, the E-waste sorting site and the ward consolidation site.

Part V: Miscellaneous Provisions

26. **Clause 20** mandates the Cabinet Secretary, in consultation with the Council of County Governors, to make regulations prescribing the procedures for safe and sustainable e-waste management, the expansion of the market for recycled e-waste products, and the promotion of health, safety and environmental standards including labour and health standards for e-waste collectors, operational standards for e-waste sorting sites and ward consolidation sites, and the classification of e-waste.
27. **Clause 21** empowers county governments to enact county specific legislation setting out the framework for e-waste management in the county.

CHAPTER TWO: OVERVIEW OF PUBLIC PARTICIPATION

28. In compliance with the provisions of Article 118 of the Constitution and Standing Order 145(5) of the Senate Standing Orders, the Committee proceeded to undertake public participation on the Bill. In this regard, the Committee published an advertisement in the Star and The Standard newspapers inviting members of the public to submit written memoranda to the Committee on the Bill. Additionally, the Committee sent invitations to key stakeholders inviting them to submit their comments on the Bill.
29. In total, the Committee received written submissions from eight (8) stakeholders, namely:
- a) Ministry of Environment, Climate Change and Forestry;
 - b) National Environment Management Authority (NEMA);
 - c) WEEE Centre;
 - d) Bopinc;
 - e) Kenya Nuclear Regulatory Authority (KNRA);
 - f) Nuclear Power and Energy Agency (NuPEA)
 - g) Council of Governors (COG); and
 - h) Kenya ICT Action Network (KICTANet).
30. The Committee thereafter proceeded to consider the provisions of the Bill and the submissions received thereon.

CHAPTER THREE: THEMATIC SYNTHESIS OF SUBMISSIONS AND COMMITTEE OBSERVATIONS

The Committee received written and oral submissions from a total of eight (8) stakeholders, including Ministry of Environment, Climate Change and Forestry; National Environment Management Authority (NEMA); WEEE Centre; Bopinc; Kenya Nuclear Regulatory Authority (KNRA); Nuclear Power and Energy Agency (NuPEA) Council of Governors (COG); and Kenya ICT Action Network (KICTANet). A summary of the submissions is provided below.

Short Title – Interpretation

31. The Ministry of Environment, Climate Change and Forestry submitted that the short title should be amended to explicitly prioritise the Electronic Electrical Equipment (EEE) product life cycle activities, proposing the title “Electrical and Electronic Equipment Refurbishment/Repair, Reuse, Recycling, Waste Recovery and Disposal Bill, 2025”. The Ministry further submitted that this proposed title enforces the Waste Hierarchy’s priority, where reuse applies to EEE products and Recycling applies to E-Waste material.
32. **The Committee resolved to maintain the short title for purposes of a short title is brevity for purposes of reference and citation.**

Long Title

33. The Ministry of Environment, Climate Change and Forestry submitted that the Long Title should be amended to read — “An Act of Parliament to provide for a legal framework for reuse, refurbishment/repair of Electrical and Electronic Equipment, environmentally sustainable disposal and recycling of e-waste, establishing the National E-Waste Recycling Plant, the e-waste sorting site and the collection, consolidation site and for connected purposes.” This was to align with the proposed changes on the short title.
34. **The Committee resolved to amend the long title to cover the entire life cycle of electrical and electronic waste, incorporating reuse, refurbishment, repair, recycling, waste recovery and disposal, so as to reflect the full scope of the Bill and align with the proposed amendments to its substantive clauses.**

Clause 2 – Interpretation

35. The Ministry of Environment, Climate Change and Forestry submitted that the words “refurbish, repair, recovery” should be defined following the proposed

amendment to the title, to align with the proposed amendments to the short and long title.

36. **The Committee resolved to amend Clause 2 to define the words “refurbish”, “repair” and “recovery” in line with the proposed amendments to the Short and Long Titles.**
37. The National Environment Management Authority (NEMA) submitted that the definition of “e-waste collector” should be amended by deleting the words “licenced by the County” and substituting with “licenced by the Authority”. NEMA noted that e-waste is hazardous and is not regulated by the counties, and that NEMA is already issuing licences to transport all forms of waste as provided in EMCA and SWMA and Waste Management Regulations 2024 and that licensing at counties will be a duplication of licences.
38. **The Committee resolved to maintain the licensing framework for e-waste collectors by county governments, pursuant to Part 2 of the Fourth Schedule to the Constitution, Sections 9 and 19 of the Sustainable Waste Management Act, 2022 and Section 102 of the County Governments Act, while NEMA retains the power to monitor and inspect for compliance with national environmental standards.**
39. NEMA further submitted that the definition of “e-waste recycler” should be amended by substituting the words “Cabinet Secretary” with “the Authority”, noting that licensing of recyclers is already provided for under EMCA, SWMA and the Waste Management Regulations 2024, and that the mandate has been given to NEMA under these laws.
40. **The Committee resolved to amend the definition of “e-waste recycler” to provide that e-waste recyclers be licensed at county level by the County Executive Committee Member, consistent with the devolved mandate of county governments on solid waste management under Part 2 of the Fourth Schedule to the Constitution, Section 17(b) of the Sustainable Waste Management Act, 2022 which mandates county governments to establish waste recovery and recycling facilities, and Sections 9 and 19 of the Sustainable Waste Management Act which provide that where counties have jurisdiction, licensing of waste handlers shall be done at county level.**
41. NEMA submitted that the definition of “e-waste sorting site” should be amended by adding the words “subject to approval by Authority”. NEMA noted that this will guarantee environmental safety and further align with EIA requirements on having

an Environmental Impact Assessment Licence for all projects, and prevents local decisions that compromise national standards.

42. **The Committee resolved to amend the definition of “e-waste sorting site” to include the words “subject to approval by the Authority” to ensure environmental safety and alignment with Environmental Impact Assessment (EIA) requirements under the Environmental Management and Co-ordination Act.**
43. NEMA additionally submitted that the definition of “Ward Consolidation Site” should be amended by deleting the words “Ward Consolidation Site” and substituting with the words “Waste Transfer Station”, noting that Ward Consolidation Sites are an equivalent to “Waste Transfer Stations” under EMCA.
44. **The Committee resolved to maintain the term “Ward Consolidation Site” as used in the Bill, noting that it aligns with the Bill’s intention to set up E-waste consolidation at ward level reflecting the administrative structure of county governments in Kenya.**

The Committee notes that the nomenclature used in the Bill seeks to reflect the devolved intent of sustainable waste management practices up to the smallest devolved unit in a county.

45. The Nuclear Power and Energy Agency submitted that the definition of “e-waste” under Clause 2 should be amended to expressly exclude radioactively contaminated electronic equipment from the scope of the Bill, noting that electronic equipment used in nuclear installations, radiological laboratories and medical radiation facilities may become radioactively contaminated and therefore requires regulation under the Nuclear Regulatory Act, 2019 rather than under this Bill.
46. **The Committee resolved to amend Clause 2 to expressly exclude radioactively contaminated electronic equipment from the definition of “e-waste” under the Bill and to provide that such equipment shall be regulated under the Nuclear Regulatory Act, 2019 and handled in accordance with the standards and guidelines issued by the Kenya Nuclear Regulatory Authority.**

Clause 3 – Object of the Act

47. The Ministry of Environment, Climate Change and Forestry submitted that Clause 3 should be amended to include the following object: “To promote the circular economy by enforcing extended producer responsibility obligations as defined under the

Sustainable Waste Management Act and subsidiary legislation.” Extended Producer Responsibility is the core mandatory mechanism under SWMA CAP. 387C Section 13 and the Extended Producer Responsibility Regulations 2024 (Reg. 4).

48. **The Committee resolved to amend Clause 3 to include an additional object providing for extended producer responsibility, requiring manufacturers and importers of electronic equipment to take responsibility for the end-of-life management of their products in line with the Sustainable Waste Management Act and international best practices.**
49. The Ministry submitted that Clause 3(a) should be rearranged to start with reuse, refurbishment/repair, disposal, recovery and recycling, consistent with the Extended Producer Responsibility Regulations 2024 (Reg. 4) and the Waste Hierarchy principle.
50. **The Committee resolved to amend and rearrange Clause 3(a) to prioritise reuse, refurbishment/repair, disposal and recovery before recycling, consistent with the Extended Producer Responsibility Regulations 2024 (Reg. 4) and the Waste Hierarchy principle.**
51. The Ministry submitted that Clause 3 should be amended to read: “Safeguard health of all Kenyans and protect the environment by ensuring proper collection and disposal of e-waste”, noting that e-waste management safeguards health and does not improve it, and that inclusion of the environment is further necessary.
52. **The Committee resolved to amend Clause 3(b) to read “safeguard the health of all Kenyans and protect the environment by ensuring proper collection and disposal of e-waste”, noting that e-waste management safeguards health rather than improving it and that environmental protection must be expressly included.**
53. The Nuclear Power and Energy Agency submitted that Clause 3 should be amended to make reference to the mandate of the KNRA in ensuring nuclear safety and radiation protection in order to ensure that the objective of public health protection is not undermined by misclassification of nuclear related waste
54. **The Committee resolved to amend the Bill by including a clause excluding nuclear and radioactive waste from the application of the Bill and further referencing the mandate of the Kenya Nuclear Regulatory Authority and the provisions of the Nuclear Regulatory Act 2019.**

Clause 4 – Guiding Principles

55. The Ministry of Environment, Climate Change and Forestry submitted that Clause 4 should be amended to include the “Polluter Pays Principle”, the “Zero Waste Principle” and the principle of “Prioritising the extension of Electrical and Electronic Equipment (EEE) lifespan over material recovery”. These are non-negotiable guiding principles of the national legislation, forming the legal basis for the Extended Producer Responsibility system.
56. **The Committee resolved to amend Clause 4 to include the “Polluter Pays Principle” as an additional guiding principle, noting that the “Zero Waste Principle” is already reflected in the Clause 4 (b) of the Bill.**
57. The Ministry submitted that Clause 4(a) and (b) should be amended to add more Guiding Principles and more specifically the Polluter Pays Principle and Precautionary Principle in order to uphold the principles of Extended Producer Responsibility and protections of the environment and public health in the face of uncertainty.
58. **The Committee resolved to amend Clause 4 to include the Polluter Pays Principle and the Precautionary Principle as additional guiding principles, noting that these principles uphold Extended Producer Responsibility obligations and environmental and public health protections.**
59. The Ministry submitted that Clause 4 should include the guiding principle of prioritising the extension of Electrical and Electronic Equipment (EEE) lifespan over material recovery, to establish the conceptual foundation that product life extension is the primary goal, consistent with the overarching principles of the SWMA.
60. **The Committee resolved to amend Clause 4 by including the extension of electronic and electric Equipment as a guiding principle in accordance with the overarching principles of the Sustainable Waste Management Act.**
61. NEMA proposed an amendment to Clause 4 by adding two guiding principles which are right to a clean environment and Zero Waste Principle.
62. **The Committee resolved to amend Clause 4 by including the right to a clean environment as set out in Article 42 of the Constitution noting that the “Zero Waste Principle” has already been set out under Clause 4(b) of the Bill.**

Clause 5 – Functions of the Cabinet Secretary

63. The Ministry of Environment, Climate Change and Forestry proposes amendment of Clause 5(1) to licence E-Waste Recycling Plants generally, noting that the National Plant has already been licensed under the Bill and therefore there is no need to licence it separately. The Bill should however enable the Cabinet Secretary to license other plants which are not necessarily national.
64. **The Committee resolved to maintain the Clause noting the devolved structure under the Bill provides that the National Recycling plant shall be set up by the National Government whereas Ward consolidation site and sorting site shall be set up by Counties. This is in accordance with Section 9(5) of the Sustainable Waste Management Act that provides that county government shall establish waste management infrastructure to promote source segregation, collection, reuse and set up for materials recovery.**
65. The Ministry further submitted that Clause 5(d)(1) should be deleted and Clause 5(f) retained, noting that Clause 5(d)(1) is a repetition of Clause 5(f). The Ministry also submitted that it is important to consult all the relevant stakeholders and not just the Authority.
66. **The Committee resolved to maintain the clause as drafted noting that Clause 5(d)(1) sets out the policy and standard making role of NEMA pursuant to the Environment and Management and Coordination Act. Clause 5(f) seeks to implement public participation and stakeholder engagement in the formulation of sustainable waste management policies. The two provisions therefore provide distinctive functions.**
67. NEMA submitted that the functions of the Cabinet Secretary as set out in Clause 5 overlap with the existing mandate of the Authority under the Environmental Management and Co-ordination Act (Cap. 387). In particular, it was noted that functions relating to the development of e-waste disposal strategies and monitoring of the e-waste value chain are already within NEMA's existing mandate.
68. Bopinc submitted that this licensing function falls under the authority of NEMA pursuant to the Sustainable Waste Management Act (2022) and further noted that consolidating licensing under NEMA prevents overlap and strengthens enforcement under existing environmental laws.

69. **The Committee resolved to amend the Clause to specifically assign the Cabinet Secretary a policy making role while NEMA retains its regulatory and enforcement functions.**
70. NEMA proposed amendment of Clause 5 to reflect that the Cabinet Secretary formulates policy while NEMA retains regulatory, licensing, oversight, classification and compliance functions, noting that this will enable NEMA to regulate all waste streams including e-waste, and that the Bill cannot reassign statutory powers already defined under the Environmental Management and Co-ordination Act.
71. **The Committee resolved to amend Clause 5(b-j) as functions of NEMA as prescribed in Section 9 of the Environmental Management and Co-ordination Act.**
72. NEMA further submitted that Clause 5(c-j) should be amended to read as functions of the Authority, noting that these functions are already being undertaken by the Authority as provided for in Section 9 of the Environmental Management and Co-ordination Act.
73. **The Committee resolved to amend Clause 5(b-j) as functions of NEMA as prescribed in Section 9 of the Environmental Management and Co-ordination Act.**
74. The Council of Governors (COG) submitted that Clause 5 should be deleted entirely, on the grounds that it is an attempt to claw back on the provisions of Part 2 of the Fourth Schedule to the Constitution and Section 17 of the Sustainable Waste Management Act, which mandate counties to establish waste recovery and recycling facilities and that the National Government's singular mandate is policy making and capacity building.
75. **The Committee resolved to maintain the Clause noting that the listed functions in Clause 5 are within the mandate of NEMA and further, County Governments have the mandate to enact county specific legislations on sustainable waste management in conformity with the provisions of the Sustainable Waste Management Act. The Clause therefore does not claw back on devolution as the assigned functions are mandated to NEMA under EMCA.**
76. The Nuclear Power and Energy Agency submitted that Clause 5(b) should be amended to provide for consultation with the Kenya Nuclear Regulatory Authority when classifying e-waste, particularly where equipment originates from nuclear or

radiological activities, noting that without the involvement of the KNRA, the classification of radioactive electronic components could lead to harmful exposure to the public.

- 77. The Committee resolved to amend the Bill to provide that radioactive e waste will be administered and handled in accordance with the provisions of the Nuclear Regulatory Act.**

Clause 6 – Powers of the Cabinet Secretary

78. The Ministry of Environment, Climate Change and Forestry submitted that the operational powers in Clause 6 should be transferred to the National Environmental Management Authority, noting that operational work is too detailed for a Cabinet Secretary and is a statutory function of NEMA under SWMA (2022), Section 8(1)(b), to ensure unified regulatory oversight.
- 79. The Committee resolved to amend Clause 6 to transfer operative functions to NEMA and maintain policy making under the mandate of the Cabinet Secretary.**
80. Bopinc submitted that Clause 6(a) be amended to transfer the function of imposing any environmental levy to the National Environment Management Authority (NEMA) noting that imposing and administering environmental levies falls within the mandate of NEMA under EMCA. This ensures coherence and avoids duplication.
81. The Council of Governors further submitted that Clause 6(a), (d) and (e) should be deleted entirely, on the grounds that the Cabinet Secretary does not have the mandate to impose rates, fees and charges including licensing fees and to invest such monies or open accounts for the same, as these provisions claw back on devolution contrary to the Fourth Schedule to the Constitution and the Sustainable Waste Management Act, the National Government's singular role being policy making.
- 82. The Committee resolved to further amend Clause 6 by setting out that the NEMA shall impose rates, fees and charges including licensing except for where counties have jurisdiction as set out in the Bill and further in accordance with Part 2 of the Fourth Schedule of the Constitution.**

Clause 7 – Functions of the County Executive Committee Member

83. The Ministry of Environment, Climate Change and Forestry submitted that Clause 7(f) should be amended by amending the introductory paragraph to include “in collaboration, create and inter-county....”, to require inter-county collaboration.

84. **The Committee resolved to amend Clause 7(f) to require the Council of Governors to establish an inter-county waste transportation and disposal framework to be observed by all counties in the transportation and disposal of e-waste between counties, noting that inter-county collaboration is required to ensure coordinated and efficient management of e-waste across county boundaries in line with Article 189 of the Constitution and the Intergovernmental Relations Act.**
85. The Ministry further submitted that Clause 7(g) should be deleted, on the grounds that licensing should be undertaken by the National Environmental Management Authority (NEMA) for ease of data collection and supervision.
86. **The Committee resolved to maintain the Clause, noting that trade licensing and public sanitation services are devolved functions under the Fourth Schedule to the Constitution. Counties are therefore constitutionally mandated to license waste management activities within counties.**
87. The Ministry submitted that Clause 7(i) should be amended to ensure that the County Executive Committee Member (CECM) is only responsible for enforcing county legislation and not national legislation, noting that the CECM should only be responsible for enforcing county legislation.
88. **The Committee resolved to amend Clause 7(i) to provide that the County Executive Committee Member shall implement county and national legislation on e-waste management, to the extent that such national legislation is required to be implemented in counties, in accordance with Article 183(1)(b) of the Constitution.**
89. The Ministry submitted that Clause 7(l) should be amended to read “health and safety measures....”.
90. **The Committee resolved to amend Clause 7(l) as submitted by the Ministry to read “health and safety measures” to correct the drafting of the Clause.**
91. NEMA submitted that Clause 7 should be amended to require dual compliance, providing that counties issue business licences while NEMA licenses and approves waste handlers under the Environmental Management and Co-ordination Act and the Sustainable Waste Management Act, including e-waste collectors and consolidation sites, noting that e-waste contains hazardous components that may require management beyond Kenyan territory as per international environmental

agreements, and that the regulation of hazardous waste must remain a national function.

92. **The Committee resolved to reject the proposed amendment to Clause 7 noting that the licensing of e-waste handlers shall be undertaken by county governments through the County Executive Committee Member, pursuant to Part 2 of the Fourth Schedule to the Constitution, Sections 9 and 19 of the Sustainable Waste Management Act, 2022 and Section 102 of the County Governments Act, with NEMA retaining oversight for compliance with national environmental standards.**
93. **The Committee noted that while e-waste contains hazardous components, the regulation of waste handlers operating within a county is a devolved function and does not require dual licensing. NEMA shall maintain the power to monitor and inspect the activities of licensed e-waste handlers for compliance with national environmental standards under the Environmental Management and Co-ordination Act and the Sustainable Waste Management Act, including compliance with Kenya's international environmental obligations.**
94. **The Council of Governors submitted that Clauses 7(b), (c) and (d) should be amended to integrate e-waste management within the county sustainable waste management plan with budget allocations incorporated within the overall county waste management budget framework, to establish e-waste sorting sites within material recovery facilities in each county and to allow counties to cluster wards in establishing ward consolidation sites so as to maximise efficient use of resources. The Council of Governors further submitted that a new paragraph (n) should be added to empower the County Executive Committee Member to determine, impose and levy charges, dues or fees for services performed under the Act, including for the grant, renewal or validation of a licence, permit or certificate.**
95. **The Committee resolved to amend Clause 7(b) to require counties to integrate e-waste management within their county sustainable waste management plans with budget allocations incorporated within the overall county waste management budget framework, to amend Clause 7(c) to provide for the establishment of e-waste sorting sites within material recovery facilities in each county and to amend Clause 7(d) to allow counties to cluster wards in establishing ward consolidation sites so as to maximise efficient use of resources.**

The Committee further resolved to amend Clause 7 to include a new paragraph (n) empowering the County Executive Committee Member to determine, impose and levy charges, dues or fees for services performed under the Act, including for the grant, renewal or validation of a licence, permit or certificate, in line with the devolved revenue-raising powers of county governments under the Constitution and Section 102 of the County Governments Act.

Clause 8 – Duty to Safely Dispose of E-Waste

96. The Ministry of Environment, Climate Change and Forestry submitted that Clause 8 should be amended to introduce a new subsection (2) placing the primary financial and organisational responsibility on the producer as follows: “The duty to take financial and physical responsibility for the post-consumer management of e-waste rests with the producer of the electronic equipment.” This is to enforce the core mandate of the Extended Producer Responsibility legislation, shifting the burden from the public/consumer to the producer in alignment with the SWMA Section 13(1).

97. **The Committee resolved to amend Clause 8 to introduce a new subsection placing the primary financial and organisational responsibility for post-consumer e-waste management on the producer of electronic equipment, in line with the Extended Producer Responsibility principle under Section 13(1) of the Sustainable Waste Management Act and the Extended Producer Responsibility Regulations, 2024.**

98. NEMA submitted that Clause 8 should be amended to integrate Extended Producer Responsibility obligations, providing that generators of e-waste must dispose of it through approved Extended Producer Responsibility systems where applicable, noting that Extended Producer Responsibility Regulations already govern producer obligations for e-waste and that this amendment would eliminate a conflict of responsibilities.

99. **The Committee resolved to amend Clause 8 to integrate the Extended Producer Responsibility Regulations by requiring that waste generators shall dispose of their e-waste using approved Extended Producer Responsibility systems where applicable, in order to harmonise the Bill with the existing Extended Producer Responsibility Regulations 2024 and to eliminate any conflict of responsibilities between producers and generators.**

Clause 9 – Licensing of E-Waste Collectors

100. The Ministry of Environment, Climate Change and Forestry submitted that Clause 9(i) should be amended to include the word “unless” after the word “collector” and before the word “they”, to correct a typographical error in which a word has been omitted.
101. **The Committee resolved to amend Clause 9(i) to correct the typographical error by inserting the word “unless” after the word “collector” and before the word “they”.**

Clause 10 – Licensing of E-Waste Recyclers

102. The Ministry of Environment, Climate Change and Forestry submitted that Clause 10 should be amended to mandate that the licence be issued by NEMA, based on standards set by the Cabinet Secretary. Licensing of environmental services is a statutory function of NEMA and not the Cabinet Secretary, and this will ensure unified regulatory oversight in alignment with the SWMA Section 8(1)(b).
103. **The Committee resolved to amend Clause 10 to provide that e-waste recyclers operating within a county shall be licensed by NEMA and not the Cabinet Secretary, as licensing of environmental services is the statutory mandate of NEMA under the Environmental Management and Co-ordination Act. The Committee further resolved that the National E-Waste Recycling Plant shall similarly be licensed by NEMA, while county governments shall retain the function of trade licensing of e-waste businesses pursuant to Part 2 of the Fourth Schedule to the Constitution.**
104. NEMA submitted that Clause 10 should be amended so that the National E-Waste Recycling Plant shall be licensed by NEMA under the Environmental Management and Co-ordination Act and relevant waste regulations, noting that this licensing function is vested in NEMA under the Environmental Management and Co-ordination Act.
105. **The Committee resolved to amend Clause 10 to provide that e-waste recyclers operating within a county shall be licensed by NEMA and not the Cabinet Secretary, as licensing of environmental services is the statutory mandate of NEMA under the Environmental Management and Co-ordination Act. The Committee further resolved that the National E-Waste Recycling Plant shall similarly be licensed by NEMA, while county governments shall retain the**

function of trade licensing of e-waste businesses pursuant to Part 2 of the Fourth Schedule to the Constitution.

106. The Council of Governors submitted that Clause 10 should be deleted entirely, on the grounds that the licensing of e-waste recycling facilities is an exclusive devolved function of refuse removal, refuse dumps and solid waste disposal mandated to counties under Part 2 of the Fourth Schedule to the Constitution, and that Section 17(b) of the Sustainable Waste Management Act further mandates counties to establish waste recovery and recycling facilities, with the National Government's mandate being limited to policy making.
107. **The Committee resolved to reject the proposed amendment by the Council of Governors, noting that Clause 10 also provides for the licensing of the National E-Waste Recycling Plant, which is a national infrastructure facility. The Committee further resolved to amend Clause 10 to clearly distinguish between county-level licensing of e-waste recyclers and national-level oversight of the National E-Waste Recycling Plant.**
108. The Nuclear Power and Energy Agency submitted that the clause governing the National E-Waste Recycling Plant should be amended to expressly provide that the National E-Waste Recycling Plant shall not receive, process or recycle radioactive electrical or electronic waste except in compliance with nuclear waste management laws and under the supervision of the Kenya Nuclear Regulatory Authority, noting that the Bill does not clarify whether the National E-Waste Recycling Plant may handle electronic waste arising from nuclear or radiological facilities, and that this ambiguity may lead to improper handling and long-term exposure to radioactive waste.
109. **The Committee resolved to amend the clause governing the National E-Waste Recycling Plant to expressly exclude radioactive electronic or electrical waste from the scope of the plant's operations, and to provide that the handling of any such radioactive components shall be carried out in compliance with the Nuclear Regulatory Act and under the supervision of the Kenya Nuclear Regulatory Authority.**

Clause 11 – Duration of Licence

110. The Ministry of Environment, Climate Change and Forestry submitted that Clause 11 should be amended to set the licence duration at ten years for purposes of investment certainty, supplemented with a requirement to issue an annual compliance certificate based on NEMA inspection, to balance the need for long-

term private sector investment and NEMA's duty to monitor environmental standards yearly.

111. **The Committee resolved to reject the proposed amendment by the Ministry and to maintain annual licensing for e-waste collectors and recyclers as provided in the Bill, noting that a ten-year duration is an extremely long period. The Committee notes that annual licensing is mandated by Sections 9 and 19 of the Sustainable Waste Management Act, 2022 and Section 102 of the County Governments Act and ensures consistent compliance with county sustainable waste management frameworks and is a critical source of own-source revenue for counties.**
112. The Ministry further submitted that Clause 11(1) should be amended to set out that "A licence issued will be subject to issuance of an annual compliance certificate", to ensure that the facility is inspected and meets standards.
113. **The Committee resolved to amend Clause 11 to maintain annual licensing and to introduce a new subsection providing that any licence issued under the Act shall be subject to an annual inspection by the Authority and the issuance of an annual compliance certificate, to ensure consistent compliance with the required environmental and operational standards.**

Clause 12 – Appeals

114. NEMA submitted that Clause 12 should be amended to align with the Environmental Management and Co-ordination Act and the Sustainable Waste Management Act, by directing appeals to the National Environment Tribunal rather than to judicial review, noting that the clause as drafted creates legal uncertainty and conflicts with existing tribunals, thereby undermining enforcement and consistency across the environmental and waste management legal framework.
115. **The Committee resolved to amend Clause 12 to provide that appeals in respect of decisions by the Cabinet Secretary shall be determined by the National Environment Tribunal and that appeals in respect of decisions by a county executive committee member shall be determined by the Environment and Land Court or such other court as may have jurisdiction, so as to ensure appropriate and legally sound appeal mechanisms for each category of decision under the Act.**

Clause 13 – Cancellation of Licence

116. The Ministry of Environment, Climate Change and Forestry submitted that Clause 13 should be amended to transfer the function to NEMA, noting that the body that issues a licence must be the one responsible for its revocation and cancellation.
117. **The Committee resolved to amend Clause 13 to provide that cancellation of licences at the national level shall be undertaken by NEMA and not the Cabinet Secretary, as the body that issues a licence must be the one responsible for its revocation and cancellation. The Committee further resolved that before cancelling a licence, NEMA or the County Executive Committee Member, as the case may be, shall issue a written notice to the licence holder specifying the grounds for the proposed cancellation and affording the licence holder an opportunity to make Extended Producer Responsibility representations within a prescribed period, in line with the principles of natural justice and the Fair Administrative Action Act, 2015.**

Clauses 14 and 15 – Responsibilities of E-Waste Collectors and Recyclers

118. The Council of Governors submitted that Clause 14 should be amended to provide that an e-waste collector shall handle waste in the prescribed manner and that an e-waste collector shall deliver e-waste collected from ward consolidation sites to a designated e-waste sorting site, so as to align with the provisions of Section 17(b) of the Sustainable Waste Management Act, Cap. 387C.
119. **The Committee resolved that the proposed amendment to Clause 14 requiring delivery only to a designated e-waste sorting site is not fully accepted. The Committee noted that consolidated e-waste may be delivered either to an e-waste sorting site or directly to the National E-Waste Recycling Plant as provided for in the Bill, and that limiting delivery exclusively to sorting sites would be unnecessarily restrictive. The Committee resolved to amend Clause 14 to provide that an e-waste collector shall handle waste in the prescribed manner and shall deliver e-waste collected from ward consolidation sites to a designated e-waste sorting site or to the National E-Waste Recycling Plant, in alignment with Section 17(b) of the Sustainable Waste Management Act, 2022.**
120. NEMA submitted that the penalties under Clauses 14 and 15 should be amended to align with those set out in the Sustainable Waste Management Act and the Environmental Management and Co-ordination Act so as to enhance deterrence, noting that the penalties as drafted are too low and do not reflect the hazardous nature of e-waste, and that harmonisation with the higher penalties in the SWMA is necessary for consistent and effective enforcement.

121. Bopinc submitted that Clause 14(3) be amended to reduce the fine to Ksh. 5,000 – 10,000 noting that the current fine is disproportionate to the average income of informal e-waste collectors (Ksh. 2,500 daily). They further noted that lower fines will help to promote compliance, reduce corruption and sustain inclusion of informal actors
122. **The Committee resolved to reject the proposed amendment as the penalties in the Bill were fair and sufficient in order to ensure compliance.**

Clauses 16, 17 and 18 – Establishment of Facilities

123. The Ministry of Environment, Climate Change and Forestry submitted that Clauses 16, 17 and 18 should be amended to add a new subsection requiring that the capital and operational costs of the National E-Waste Recycling Plant, County Sorting Sites and Ward Consolidation Sites be financed primarily by Extended Producer Responsibility fees. This will guarantee a sustainable dedicated funding stream as required by the Polluter Pays Principle and the national financial framework. The Extended Producer Responsibility Regulations Reg. 5(1) and (6) mandate that the producers bear the financial responsibility for their products' end of life management which includes infrastructure costs.
124. **The Committee resolved to amend Clause 16 to provide that NEMA shall direct the use of Extended Producer Responsibility fees towards the running and operations of the National E-Waste Recycling Plant, consistent with the Polluter Pays Principle and the Extended Producer Responsibility Regulations 2024, Regulations 5(1) and (6), which mandate that producers bear financial responsibility for their products' end-of-life management including infrastructure costs. The Committee further resolved that county e-waste sorting sites and ward consolidation sites shall be financed from the Sustainable Waste Management budget allocated to counties, in accordance with the devolved mandate of county governments on solid waste management.**
125. The Ministry further submitted that Clauses 16, 17 and 18 should be amended to add a subsection requiring that the establishment of these facilities must adhere to public consultation requirements under SWMA, to uphold the constitutional principle of public participation in governance and to ensure local community buy-in for environmental projects.
126. **The Committee resolved to amend Clause 16 to provide that the Cabinet Secretary and the respective county government shall undertake public participation prior to the gazettment of consolidation sites, sorting sites and**

the National E-Waste Recycling Plant, to uphold the constitutional principle of public participation in governance under Article 10 of the Constitution and to ensure local community buy-in for environmental projects, in compliance with the public consultation requirements under the Sustainable Waste Management Act.

127. The Ministry submitted that Clauses 16, 17 and 18 should further be amended to add a new subsection requiring that the capital and operational costs of these facilities must be financed primarily by Extended Producer Responsibility Fees remitted by registered PROs, to ensure a sustainable dedicated funding stream through the Polluter Pays Principle as mandated by the Extended Producer Responsibility Regulations (2024), Regulations 5(1) and (6).
128. **The Committee resolved to amend Clauses 16, 17 and 18 to provide that NEMA shall direct the use of Extended Producer Responsibility fees remitted by registered Producer Responsibility Organisations towards the running and operations of the National E-Waste Recycling Plant, to ensure a sustainable and dedicated funding stream through the Polluter Pays Principle as mandated by the Extended Producer Responsibility Regulations 2024, Regulations 5(1) and (6).**

The Committee further resolved to provide for conditional allocation of the revenue collected by NEMA from Extended Producer Responsibility fees to counties, for purposes of funding and enforcing Extended Producer Responsibility obligations at county level, and that county e-waste sorting sites and ward consolidation sites shall be financed from the Sustainable Waste Management budget allocated to counties.

129. NEMA submitted that the power to establish the National E-Waste Recycling Plant should be jointly exercised by the Cabinet Secretary and NEMA, given the environmental implications of such a facility.
130. **The Committee resolved to recommend an amendment to Clause 16 to require that the establishment of the National E-Waste Recycling Plant be subject to an Environmental and Social Impact Assessment in accordance with the Environmental Management and Co-ordination Act.**
131. The Council of Governors submitted that Clause 16 should be deleted and substituted with a new provision empowering county governments to individually or jointly enter into inter-county agreements for the establishment and operation of

regional e-waste recycling plants under Article 189 of the Constitution and the Intergovernmental Relations Act, noting that the establishment of a singular National E-Waste Recycling Plant risks centralising a devolved function and undermines the autonomy of counties in planning, regulating and implementing waste management services within their jurisdictions, contrary to Section 17(b) of the Sustainable Waste Management Act.

132. **The Committee resolved to reject the proposed amendment by the Council of Governors to delete Clause 16. The Committee noted that the establishment of a National E-Waste Recycling Plant is necessary to provide the technical capacity and infrastructure required for the safe processing of e-waste at a national scale, and that a singular national facility does not centralise a devolved function but rather complements it. The Committee further noted that the Bill already provides for county governments to individually or jointly enter into inter-county agreements under Article 189 of the Constitution and the Intergovernmental Relations Act to establish regional e-waste recycling facilities, and that this adequately addresses the concerns raised by the Council of Governors regarding county autonomy in waste management planning.**
133. NEMA submitted that Clause 16 should be amended to provide that the size of the National E-Waste Recycling Plant shall be guided by technical assessment and NEMA standards rather than fixed acreage, noting that the clause as drafted is too prescriptive and that land availability and cost may hinder implementation. NEMA further submitted that Clause 16 should be amended to allow for multiple NEMA-licensed e-waste recycling plants, whether public or private, that meet prescribed standards, noting that the Bill as currently drafted appears to create a single central e-waste recycling plant which could result in a monopoly and is inconsistent with the Sustainable Waste Management Act's promotion of county and private sector waste facilities.
134. **The Committee resolved to amend Clause 16 to delete the fixed acreage prescribed for the National E-Waste Recycling Plant and its buffer zone, and to instead provide that the acreage of the National E-Waste Recycling Plant shall be determined through a technical assessment undertaken by NEMA, taking into account projected waste volumes, land availability and environmental considerations, in accordance with NEMA standards.**
135. NEMA additionally submitted that Clauses 17 and 18 should be amended to allow flexibility by requiring NEMA-approved siting guidelines rather than prescribing fixed acreage for county e-waste sorting sites and ward consolidation sites, noting

that fixed acreage requirements may be impractical and difficult to fund and that the Sustainable Waste Management Act requires waste facilities to meet national standards while leaving size and design to subsidiary regulations.

136. **The Committee resolved to amend Clauses 17 and 18 to provide that counties shall determine the acreage for consolidation and sorting sites based on their County Land Use Plans and waste management needs, subject to NEMA minimum environmental and technical standards, so as to allow operational flexibility responsive to local conditions.**

Clause 19 – Standards and Guidelines

137. The Kenya Nuclear Regulatory Authority submitted that Clause 19 should be amended to provide that the standards and guidelines to be developed under the clause shall take into account nuclear safety, radiation protection and Kenya's international nuclear obligations, particularly where electronic equipment is used in nuclear or radiological contexts, and that such standards shall be developed in consultation with the Kenya Nuclear Regulatory Authority, noting that the absence of mandatory alignment with nuclear safety standards could lead to regulatory inconsistency.
138. **The Committee resolved to amend Clause 19 to provide that the standards and guidelines developed under the Act shall take into account nuclear safety, radiation protection and Kenya's international nuclear obligations, and shall be developed in consultation with the Kenya Nuclear Regulatory Authority where electronic equipment is used in nuclear or radiological contexts.**

Clause 20 – Transboundary Movement Control

139. The Ministry of Environment, Climate Change and Forestry submitted that Clause 20 should be amended to insert a new clause strictly regulating the import, export or transit of e-waste, requiring a specific permit from NEMA and prohibiting the import of e-waste for final disposal, to prevent Kenya from becoming a dumping ground for global hazardous e-waste and to ensure compliance with international hazardous waste conventions.
140. **The Committee resolved to amend Clause 20 to insert a new provision strictly regulating the import, export or transit of e-waste, requiring a specific permit from NEMA and prohibiting the import of e-waste for final disposal, to prevent Kenya from becoming a dumping ground for global hazardous e-waste and to ensure compliance with Kenya's obligations under the Basel Convention; and**

to empower the Cabinet Secretary for Finance, in consultation with the Cabinet Secretary for Environment, Climate Change and Forestry to establish regulations governing transboundary movement of e-waste.

141. The Nuclear Power and Energy Agency further submitted that Clause 20 on Transboundary Movement Control should be amended to expressly exclude radioactive electronic equipment from the e-waste stream regulated under the Bill and to provide for mandatory referral of such waste to the appropriate nuclear waste management regime, noting that this clause provides an opportunity to clearly demarcate the boundary between e-waste regulation and nuclear waste regulation so as to prevent regulatory overlap and ensure that radioactive material is handled only under the Nuclear Regulatory Act.
142. **The Committee resolved to amend Clause 20 to provide that radioactive electronic or electrical waste shall be excluded from the transboundary movement controls under the Bill and shall instead be subject to the Nuclear Regulatory Act, with any such waste mandatorily referred to the Kenya Nuclear Regulatory Authority.**

Clause 21 – County Legislation

143. NEMA submitted that Clause 21 should be amended to include a requirement that county legislation enacted under the Clause shall conform with the Environmental Management and Co-ordination Act, the Sustainable Waste Management Act and national waste regulations, noting that as currently drafted, there is no requirement for county legislation to align with national waste laws and regulations, and that the absence of such a requirement could result in incoherent and conflicting regulatory frameworks across counties and the national level.
144. **The Committee resolved to amend Clause 21, read together with Clause 7(1), to provide that county legislation enacted under the clause shall operate within the bounds of national legislation including EMCA, the Sustainable Waste Management Act and national waste regulations, pursuant to Article 183(1)(b) of the Constitution, without unduly restricting the legislative authority of county governments.**

General Comments

WEEE Centre

145. The WEEE Centre identified key areas of alignment and conflict between the Sustainable Waste Management Act, 2022, the Extended Producer Responsibility (Extended Producer Responsibility) Regulations 2024 and the Bill. The WEEE Centre observed that conflict would arise where state-run facilities established under the Bill compete with the already existing producer-funded Extended Producer Responsibility system, thereby undermining private investment. It further noted that the Bill must explicitly uphold the producer's choice of Individual Extended Producer Responsibility (IExtended Producer Responsibility) or Collective Extended Producer Responsibility (CExtended Producer Responsibility) in order to remain consistent with the Sustainable Waste Management Act. The WEEE Centre additionally raised concerns on the overlap and fragmentation of regulatory authorities, recommending that NEMA be the principal licensing authority and that the role of county governments be limited to issuing local operational permits.
146. On infrastructure, the WEEE Centre submitted that the Bill should mandate private sector-led investment and allow independent establishment and management of facilities by private investors to foster competition and innovation. It further submitted that the fixed, prescriptive land buffer requirements in the Bill hinder private investment and operational flexibility, and recommended that such requirements be based on Environmentally Sound Management (ESM) standards and site-specific Environmental Impact Assessments rather than arbitrary numerical barriers.
147. The WEEE Centre recommended that the Bill promote private sector operations and regional diversity by explicitly allowing licensed private recyclers to operate across all counties to prevent regional monopolies and encourage competition, by supporting the development of regional recycling facilities by private investors as an alternative to a single national recycling plant, and by replacing prescriptive government planning with measurable performance standards including collection and recycling targets, traceability requirements and environmentally sound management benchmarks.
148. The WEEE Centre further proposed that the role of the National E-Waste Recycling Facility be redefined and limited to handling residual and problematic waste fractions — such as Cathode Ray Tube glass, heavy metals and composite plastics — that are uneconomical or technically difficult for private recyclers to process. It proposed a cost-sharing model between Extended Producer Responsibility residual management fees paid by Producer Responsibility Organisations (PROs) and Individual Extended Producer Responsibility producers, county and national governments and public-private partnerships to ensure sustainable operations. It

emphasised that the national facility should not compete with or undermine private and PRO-led recycling plants but should instead play a complementary role.

149. The WEEE Centre proposed strengthening circular economy and reuse provisions by requiring producers to demonstrate reuse and refurbishment pathways before recycling, and by introducing eco-design requirements and Extended Producer Responsibility fee modulation. It also proposed integrating the informal sector by including clear guidelines for accrediting informal collectors and integrating them into the formal e-waste system under PROs and Extended Producer Responsibility schemes, and by providing training, personal protective equipment (PPE) and access to legal collection and sorting sites.
150. On governance and coordination, the WEEE Centre proposed a clear delineation of roles: NEMA to lead national oversight, licensing and Extended Producer Responsibility compliance monitoring; producers and PROs to finance and manage collection, recycling and reporting; county governments to support local logistics, awareness and site facilitation; and the Cabinet Secretary to provide policy guidance and coordinate cross-county initiatives. The WEEE Centre drew on Kenya's Extended Producer Responsibility regime as applied to plastics, packaging and tyres to demonstrate that producer-led systems can deliver high recovery rates and investment when underpinned by the polluter pays principle, mandatory take-back schemes, private sector operations regulated by NEMA, and a waste hierarchy that prioritises reduction, reuse, repair and recycling before final disposal.

National Environment Management Authority (NEMA)

151. NEMA submitted a general comment expressing concern that the Bill is in direct conflict with and contravenes the Environmental Management and Co-ordination Act (EMCA), 1999, which serves as the overarching legislative framework for environmental management in Kenya. NEMA noted that EMCA was enacted to address the fragmentation caused by 78 sectoral laws that previously governed different aspects of the environment, and that the Bill in its current form seeks to reintroduce the same sectoral and compartmentalised approach to environmental management that EMCA was designed to overcome. NEMA contended that the Bill is therefore contrary to the core objective of EMCA, which is to create a harmonised and integrated approach to environmental management in Kenya.
152. NEMA further submitted that since 2003, it has been the principal agency of government charged with supervising and coordinating all environmental interventions, including registration and licensing across the entire value chain of

waste electrical and electronic equipment. NEMA noted that e-waste is categorised as hazardous waste and must be managed as prescribed under EMCA and the Environmental Management and Co-ordination (Waste Management) Regulations, 2024. NEMA also submitted that EMCA is currently under review and that any gaps in the provisions concerning hazardous waste management, including e-waste, should be addressed through that review process rather than through the formulation of a separate Act. NEMA further indicated that it has been spearheading the development of Environmental Management and Co-ordination (Waste Electrical and Electronic Equipment) Regulations to address the specific requirements for e-waste management, and that the Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024, which have recently been published, already mandate producers to bear responsibility over the entire lifecycle of their products.

153. On the basis of these submissions, NEMA recommended that the Bill be discarded in its entirety in order to safeguard the integrity and sustainability of Kenya's environmental management systems, noting that the existing EMCA, the Waste Management Regulations 2024 and the Sustainable Waste Management (Extended Producer Responsibility) Regulations 2024 already provide adequate safeguards, and that any remaining gap can be addressed through the finalisation of the draft e-waste regulations that are at an advanced stage of development and currently undergoing public participation.

Kenya Nuclear Regulatory Authority (KNRA)

154. The Kenya Nuclear Regulatory Authority (KNRA) expressed support for the Bill's objective of providing a legal framework for sustainable e-waste disposal. However, KNRA raised concerns regarding the regulatory overlap between the Bill and the Nuclear Regulatory Act, noting that many electronic devices — such as medical X-ray machines, airport baggage scanners and industrial equipment — contain radioactive components. KNRA observed a convergence between the proposed Bill and the Nuclear Regulatory Act and emphasised that components capable of producing radiation must be disposed of according to nuclear safety standards in order to protect human health and the environment.
155. KNRA further raised concerns regarding the stage at which KNRA would be engaged during the disposal process, and proposed that the Director General of KNRA be included on the proposed Board established under the Bill. KNRA proposed the inclusion of a section explicitly addressing materials involving nuclear radiation, and requested that the Bill include language such as “save for nuclear

materials” to ensure that KNRA retains regulatory authority over such items in accordance with the Nuclear Regulatory Act. KNRA also sought clarification of mandates to ensure that any e-waste incorporating radioactive materials is additionally subject to the provisions of the Nuclear Regulatory Act.

Kenya ICT Action Network (KICTANet)

156. The Kenya ICT Action Network (KICTANet) submitted general comments raising several concerns about the Bill. KICTANet observed that e-waste can be managed under existing Sustainable Waste Management Act provisions through regulations and that no new statute is therefore needed. It noted duplication, in that the new bodies proposed under the Bill replicate functions already assigned under the Sustainable Waste Management Act. KICTANet acknowledged concurrence between the objects of the Bill and those of the Sustainable Waste Management Act, but cautioned that the Bill risks breaching devolution principles through centralised national oversight via the proposed National E-Waste Recycling Plant authority. KICTANet further noted that the Sustainable Waste Management Act already offers sustainable financing tools and provides a stronger framework ensuring market exclusivity and participation, that the enforcement roles in the Bill are already operational leading to redundancy, and that a new law could cause disharmony with East African Community frameworks. KICTANet recommended that e-waste management be anchored under the Sustainable Waste Management Act rather than through a separate piece of legislation.

CHAPTER FOUR: COMMITTEE OBSERVATIONS AND RECOMMENDATIONS

4.1 Observations

157. Having considered the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025) and the submissions received thereon, the Standing Committee on Information, Communication and Technology observed as follows-

- 1) That Kenya generates approximately 53,000 metric tonnes of electronic waste annually, most of which is currently mixed with ordinary solid waste in landfills. The Committee observed that there is an urgent and compelling need for a dedicated legislative framework to regulate the collection, transportation, recycling and disposal of e-waste in Kenya, to safeguard public health and protect the environment.
- 2) That the Bill fills a critical legislative gap in the devolved management of e-waste at county and ward level. While the Environmental Management and Co-ordination Act (EMCA), 1999, the Sustainable Waste Management Act (SWMA), 2022 and the Extended Producer Responsibility (Extended Producer Responsibility) Regulations, 2024 provide a broad national framework for waste management, none of these instruments specifically establishes the ward-level collection infrastructure and county-level sorting and consolidation mechanisms that are necessary to operationalise e-waste management at the grassroots level.
- 3) That there is a need to harmonise and integrate the provisions of the Sustainable Waste Management Act and the Extended Producer Responsibility Regulations, 2024 into the Bill and to enforce Extended Producer Responsibility for e-waste at county level, so as to ensure that producers and importers bear primary financial responsibility for post-consumer e-waste management.
- 4) That the capital and operational costs of the National E-Waste Recycling Plant shall be financed from Extended Producer Responsibility fees directed by NEMA, while county sorting and consolidation sites shall be financed from the Sustainable Waste Management budget allocated to counties.
- 5) That the constitutional framework for devolution requires the Bill to clearly delineate functions and responsibilities between the two levels of government. The Committee noted that trade licensing of e-waste collectors and recyclers is a devolved function of county governments, while specialised waste handling licensing and compliance oversight is retained by NEMA, and that this

framework gives full effect to the Fourth Schedule to the Constitution and the Sustainable Waste Management Act, 2022.

- 6) That the Extended Producer Responsibility principle under the Sustainable Waste Management Act and the Extended Producer Responsibility Regulations 2024 places the primary financial and organisational responsibility for post-consumer e-waste management on producers and importers. The Committee noted that waste generators must dispose of e-waste through approved Extended Producer Responsibility systems where applicable and that the Bill must expressly incorporate these obligations to align with the polluter pays framework already established in law.
- 7) That the regulation of radioactive components in electronic equipment presents a distinct and serious public health risk that requires specific legislative attention. The Committee noted that many electronic devices, including medical X-ray machines, airport baggage scanners and certain industrial equipment, contain radioactive components and that the disposal of such components must be subject to the Nuclear Regulatory Act and the supervision of the Nuclear Power and Energy Agency. The Committee further observed that the absence of explicit provisions on radioactive e-waste in the Bill creates ambiguity that could lead to improper handling and long-term exposure to radioactive materials.
- 8) That counties should be allowed to determine appropriate acreage based on their County Land Use Plans and waste management needs, subject to NEMA minimum environmental and technical standards.
- 9) That there was need for a framework to provide for the licensing and integration of informal e-waste collectors into the formal e-waste management system established under the Bill. The Committee noted that the informal e-waste sector comprising small-scale collectors, dismantlers and traders plays a significant role in e-waste collection in Kenya but operates largely outside the formal regulatory framework.

4.2 Recommendations

158. Having considered the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025) and the submissions received thereon, the Standing Committee on Information, Communication and Technology recommends that the Senate passes the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025) with the following amendments-

- 1) That the Long Title of the Bill be amended to cover the entire lifecycle of electrical and electronic waste, incorporating reuse, refurbishment, repair, recycling, waste recovery and disposal, so as to reflect the full scope of the Bill and align with the proposed amendments to its substantive clauses.
- 2) That Clause 2 be amended to include definitions of the words “refurbish”, “repair” and “recovery” in line with the amendments to the Long Title.
- 3) That Clause 2 be further amended to expressly exclude radioactively contaminated electronic equipment from the definition of “e-waste”, and to provide that such equipment shall be regulated under the Nuclear Regulatory Act, 2019 and handled in accordance with the standards and guidelines of the Nuclear Power and Energy Agency.
- 4) That Clause 3 be amended to include an additional object providing for extended producer responsibility, requiring manufacturers and importers of electronic equipment to take responsibility for the end-of-life management of their products in line with the Sustainable Waste Management Act and to rearrange Clause 3(a) to prioritise reuse, refurbishment, repair and recovery before recycling, consistent with the Waste Hierarchy principle.
- 5) That Clause 4 be amended to include the Polluter Pays Principle and the precautionary Principle, as guiding principles for the implementation of the Act, in line with Kenya’s commitment to environmentally sound waste management under the Sustainable Waste Management Act and international environmental agreements.
- 6) That Clause 4 be further amended to provide for prioritization of extension of electrical and electronic Equipment lifespan as additional guiding principle for purposes of reducing frequent disposal of E -Waste.
- 7) That Clause 5 be amended to reflect that the Cabinet Secretary role shall be limited to developing a policy on E-Waste management.

- 8) That Clause 5 be further amended to reflect that the operative functions of classify E-Waste, setting standards, guidelines, undertaking monitoring and assessment shall be undertaken by NEMA.
- 9) That Clause 5 (b) be amended to provide that radioactive E waste be handled in accordance with the provisions of the Nuclear Regulatory Act.
- 10) That Clause 6 be amended to transfer operative functions to NEMA and maintain policy making under the mandate of the Cabinet Secretary.
- 11) That Clause 7 (1)(i) be amended to reflect that the CEC member shall implement county and national legislation on E-Waste management to the extent that such national legislation is required to be implemented in counties.
- 12) That Clause 8 be amended to introduce a new subsection placing the primary financial and organisational responsibility for post-consumer e-waste management on the producer of electronic equipment, in line with the Extended Producer Responsibility principle under Section 13(1) of the Sustainable Waste Management Act.
- 13) That Clause 10 to be amended to provide that E-Waste recyclers shall be licensed by NEMA and not the Cabinet Secretary as this is the mandate of NEMA.
- 14) That Clause 13 be amended to provide that cancellation of licenses at national level shall be done by NEMA and not the Cabinet Secretary as this is the mandate of NEMA.
- 15) That Clauses 16 be amended to delete the fixed acreage of the National Recycling Plant and Buffer Zone and instead provide that the acreage will be determined through a technical assessment undertaken by NEMA.
- 16) That Clause 17 and 18 be amended to delete the fixed acreage of consolidation and sorting sites and provide that counties shall determine the acreage through technical assessments based on their county land use plans, waste management needs and minimum environmental and technical standards.
- 17) That Clause 17 and 18 be amended to provide for conditional allocation of the revenue collected by NEMA from the extended producer responsibilities fees to counties for purposes of funding and enforcing Extended Producer Responsibility in counties.
- 18) That Clause 20 be amended to insert a new provision for subsidiary legislation on the import, export or transit of e-waste.