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APPENDIX 1

LIST OF STAKEHOLDERS WHO SUBMITTED WRITTEN MEMORANDA ON THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025

1. Ministry of Environment, Climate Change and Forestry;
2. National Environment Management Authority (NEMA);
3. WEEE Centre;
4. Bopinc;
5. Kenya Nuclear Regulatory Authority (KNRA);
6. Nuclear Power and Energy Agency (NuPEA);
7. Council of Governors (COG); and
8. Kenya ICT Action Network (KICTANet).



MINUTES OF THE SIXTY SEVENTH (67TH) SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON TUESDAY, 30TH SEPTEMBER 2025 AT 12:00 P.M ON ZOOM ONLINE PLATFORM

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Allan Kiprotich Chesang', CBS, MP | - Chairperson |
| 2. Sen. Miraj Abdullahi Abdulrahman, MP | - Vice-chairperson |
| 3. Sen. William Kipkemai Kisang, MP | - Member |
| 4. Sen. Hezena M. Lemaletian, MP | - Member |
| 5. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|--|----------|
| 1. Sen. Tabitha Keroche, MP | - Member |
| 2. Sen. Boy Issa Juma, MP | - Member |
| 3. Sen. Samson Kiprotich Cherarkey, MP | - Member |
| 4. Sen. Shakila Abdalla Mohamed, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|--------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Mr. Yusuf Duale | - Clerk Assistant III |
| 3. Ms. Annette Kwamboka | - Legal Counsel |
| 4. Ms. Brenda Wekesa | - Research Officer |
| 5. Mr. Mike Mwamuye | - Public Comm. Officer |
| 6. Mr. Kevin Lomenen | - Media Relation Officer |
| 7. Mr. Eugene Otieno | - Audio Officer |

MIN/SEN/ICT/342/2025:

PRAYER

The Chairperson called the meeting to order at thirty minutes past twelve O'clock followed by a word of prayer.

MIN/SEN/ICT/343/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted with amendments having been proposed by Sen. Miraj Abdullahi Abdulrahman, MP and seconded by Sen. Hezena M. Lemaletian, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of pending legislative business before the Committee;
4. Any Other Business; and
5. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/344/2025:

CONSIDERATION OF THE PENDING
LEGISLATIVE BUSINESS BEFORE
THE COMMITTEE

- i. The Secretariat briefed the Committee on the pending legislative business and the amendments to the Senate calendar. Members were updated on the Bill currently before the Committee, namely **the Electronic Equipment Disposal, Recycling and Reuse Bill (Senate Bills No. 5 of 2025)**, sponsored by Sen. Peris Tobiko, MP, which was read a First Time on Tuesday, 23rd September, 2025. The Committee was also briefed on upcoming activities, including the Public Hearings on the Constitution of Kenya (Amendment) Bill, 2025 (Senate Bills No. 13 of 2025), and the Senate Mashinani in Busia County.
- ii. The Committee was further informed of the pending meeting with the Director General, Communications Authority on the Inquiry into the Governance, Implementation, and Impact of the Universal Service Fund (USF) in bridging Kenya's digital divide, as well as the meeting with the Governor of Trans Nzoia County on the Inquiry into the operations of IFMIS and other County Revenue Collection and Management Systems. After deliberations, the Committee **resolved** to invite the Director General, Communications Authority on 4th November, 2025 and the Governor, Trans Nzoia County 6th November, 2025 respectively.
- iii. The Committee further considered the pending county visits and foreign engagements for the FY 2025/2026. It was **resolved** that the Committee conducts a County Oversight and Networking Engagement Visit to **Nyeri, Meru, and Isiolo Counties from 12th to 16th October, 2025**.
- iv. Further, the Committee agreed to proceed with the foreign visits in two cohorts; the first delegation to travel to **Dubai from 21st to 28th October, 2025** will be -
 1. Sen. Allan Kiprotich Chesang', CBS, MP - **Chairperson**
 2. Sen. Miraj Abdullahi Abdulrahman, MP - **Vice-chairperson**
 3. Sen. Shakila Abdalla Mohamed, MP - **Member**
- v. Members in the second delegation to travel to **Turkey from 9th to 16th November, 2025** will be -
 1. Sen. William Kipkemai Kisang, MP - **Member**
 2. Sen. Hezena M. Lemaletian, MP - **Member**
 3. Sen. Beatrice Akinyi Ogola, MP - **Member**

MIN/SEN/ICT/345/2025

ADJOURNMENT AND DATE OF
NEXT MEETING

There being no other business, the meeting was adjourned at thirty-seven minutes past one O'clock. The date of the next meeting will be on Notice.

SIGNED:  DATE: 7/03/26

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



MINUTES OF THE SEVENTY - FIRST (71ST) HYBRID SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON THURSDAY 30TH OCTOBER 2025 AT 12:00 P.M AT COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|-------------------------------------|
| 1. Sen. Miraj Abdullahi Abdulrahman, MP | - Vice-Chairperson - <i>virtual</i> |
| 2. Sen. Samson Kiprotich Cherarkey, MP | - Member (<i>Chairing</i>) |
| 3. Sen. Boy Issa Juma, MP | - Member - <i>virtual</i> |
| 4. Sen. Beatrice Akinyi Ogola, MP | - Member |
| 5. Sen. Shakila Abdalla Mohamed, MP | - Member - <i>virtual</i> |

ABSENT WITH APOLOGY

- | | |
|---|---------------|
| 1. Sen. Allan Kiprotich Chesang', CBS, MP | - Chairperson |
| 2. Sen. William Kipkemoi Kisang, MP | - Member |
| 3. Sen. Tabitha Keroche, MP | - Member |
| 4. Sen. Hezena M. Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|-----------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Mr. Yusuf Duale | - Clerk Assistant III |
| 3. Ms. Annette Kwamboka | - Legal Counsel |
| 4. Ms. Janice Lekuton | - Research Officer |
| 5. Mr. Sapan Pkiror | - Fiscal Analyst |
| 6. Mr. Mike Mwamuye | - Public Comm. Officer |
| 7. Ms. Juliet Masinde | -Media Relations
Officer |
| 8. Mr. Eugene Otieno | - Audio Officer |

MIN/SEN/ICT/361/2025:

PRAYER

The Chairperson called the meeting to order at twenty minutes past twelve O'clock followed by a word of prayer.

MIN/SEN/ICT/362/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted with amendments having been proposed by Sen. Shakila Abdalla Mohamed, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of the Electronic Equipment Disposal, Recycling and Reuse Bill (Senate Bills No.5 of 2025);
4. Any Other Business; and

5. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/363/2025:

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

The Committee noted a letter from the Ministry of Environment, Climate Change and Forestry submitting its memorandum to the Bill and further advising the Committee that the Electronic Equipment Disposal Recycling and Reuse Bill (Senate Bill No. 5 of 2025) should be re-directed to the relevant Committee.

During deliberations: -

1. The Committee unanimously resolved that the Bill is **properly placed** and the Committee is mandated to consider the Bill. The Committee thereafter **directed** that the Ministry be informed of this resolution and invite them to appear before the Committee when called upon to provide submission on the Bill;
2. The Committee emphasized on the importance of public participation, noting that the deadline for written submissions had already passed, yielding only two responses (from the Weee center and the Ministry);
3. The Committee resolved to invite more stakeholders and proposed a list of targeted stakeholder this included the Ministry of Environment Climate Change and Forestry, Ministry of Information, Communication and the Digital Economy, NEMA, ICT Authority, The Kenya Private Sector Alliance (KEPSA), Council of Governors, Kenya Nuclear Regulatory Authority (KNRA), The Nuclear Power and Energy Agency, Kenya Revenue Authority, The National Climate Change Council (NCCC) and Intergovernmental Relations Technical Committee (IGRTC);
4. The Committee further suggested county governments from major cities namely; County Governments of Nairobi, Mombasa, Uasin Gishu, Kisumu, Kiambu, Kajiado and Machakos to understand the challenges of E-waste management at the local level; and
5. The Committee further resolved to invite learning institutions like University of Nairobi dealing with environmental matters to incorporate their expertise.

The Legal Counsel introduced the Bill to the Committee and took Members through the Bill digest, highlighting that the Bill seeks to establish a framework for the environmentally safe disposal, recycling, and reuse of e-waste in Kenya.

During deliberations: -

1. Members expressed concern that the Bill prescribes specific minimum acreages for sorting sites (5 acres) and the national plant (30 acres). Members noted that determining land size is the mandate of the physical planning department and depends on the project size; and
2. Members further noted that while the Cabinet Secretary licenses national recyclers, the Bill must explicitly mandate consultation and involvement of the

county government (specifically the CEC for environment) in the approval of plants, location, and setting up to prevent speculators and ensure accountability.

In conclusion, the Committee directed the secretariat to review the provisions on acreage prescription, specifically clause 17 of the Bill, and provide a comprehensive brief in the next meeting that considers Public Private Partnerships (PPP), the Mining Act and the laws on solid waste management.

MIN/SEN/ICT/364/2025:

ANY OTHER BUSINESS

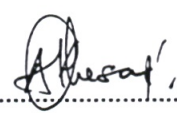
The Committee sought information in regards to the proposed trip to Turkey and it was reported that the Speaker had declined the Committee request stating that the House was in session. The matter was deferred for further consultation with the Chairperson.

The Committee was informed on a correspondence from the CEO, Digital Content Creator Association requesting for a meeting with the Committee. The Secretariat was directed to identify **the earliest possible date** for this meeting.

MIN/SEN/ICT/365/2025:

ADJOURNMENT AND DATE OF
NEXT MEETING

The meeting was adjourned at twenty-eight minutes past one O'clock. The date of the next meeting will be on Notice.

SIGNED: 

DATE: 7/03/26

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



MINUTES OF THE SEVENTY - SECOND (72ND) SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON TUESDAY 11TH NOVEMBER 2025 AT 12:00 P.M AT COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|------------------------------|
| 1. Sen. Allan Kiprotich Chesang', CBS, MP | - Chairperson |
| 2. Sen. Shakila Abdalla Mohamed, MP | - Member (<i>Chairing</i>) |
| 3. Sen. Samson Kiprotich Cherarkey, MP | - Member |
| 4. Sen. William Kipkemai Kisang, MP | - Member |
| 5. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|--------------------|
| 1. Sen. Miraj Abdullahi Abdulrahman, MP | - Vice-Chairperson |
| 2. Sen. Boy Issa Juma, MP | - Member |
| 3. Sen. Tabitha Keroche, MP | - Member |
| 4. Sen. Hezena M. Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Mr. Yusuf Duale | - Clerk Assistant III |
| 3. Ms. Annette Kwamboka | - Legal Counsel |
| 4. Ms. Janice Lekuton | - Research Officer |
| 5. Mr. Sapan Pkiror | - Fiscal Analyst |
| 6. Mr. Mike Mwamuye | - Public Comm. Officer |
| 7. Ms. Juliet Masinde | - Media Relations Officer |
| 8. Mr. Eugene Otieno | - Audio Officer |

IN ATTENDANCE

- | | |
|-----------------------|---|
| 1. Ms. Sarah Njau | - Managing Director, GFS East Africa |
| 2. Mr. Joseph Oliech | - General Manager, West Electrical and Electronic Equipment (WEEE Center) |
| 3. Mr. Tom Musili | - Chairman, West Electrical and Electronic Equipment (WEEE Center) |
| 4. Ms. Aisha Duba | - Environment/ Compliant Officer, NEMA |
| 5. Mr. Ebenezer Amodi | - Senior Programme Manager, BOPINC |

MIN/SEN/ICT/366/2025:

PRAYER

The Chairperson called the meeting to order at twenty minutes past twelve O'clock followed by a word of prayer.

MIN/SEN/ICT/367/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Samson Kiprotich Cherarkey, MP and seconded by Sen. William Kipkemai Kisang, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of the Electronic Equipment Disposal, Recycling and Reuse Bill (Senate Bills No.5 of 2025);
4. Any Other Business; and
5. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/368/2025:

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

The Committee noted the presence of members of the National E-Waste Management Steering Committee and appreciated the team for appearing before the Committee to consider the Bill.

The Committee noted that the written submission presented by the stakeholders had the letterhead of the Ministry of Environment Climate Change and Forestry and signed by the Principal Secretary State Department for Environment and Climate Change, yet the Committee had invited the National E-Waste Management Steering Committee.

The Stakeholders clarified that the National E-Waste Management Steering Committee is chaired by NEMA who are the regulators and it includes representatives from the Ministry, hence the joint submission.

After deliberations, the Committee acknowledged given that the Ministry was separately invited to present its submissions on Thursday 13th November, 2025, the Committee resolved that the stakeholders to proceed with oral submissions as representatives of the National E-Waste Management Steering Committee and send written submissions after the meeting.

The stakeholders presented several specific points and proposed amendments to the Bill, drawing on their expertise in the E-waste sector as follows: -

- a. Expanding the title of the Act to include the element of electrical and electronic equipment (EEE), not just "electronic equipment disposal," to ensure circularity principles are applied comprehensively;
- b. The Bill should mandate following the Nine 'Rs' waste hierarchy in order, starting with **reuse** before recycling or recovery. They proposed an amendment to the legal framework to explicitly include **reuse, refurbishment, and repair** of EEE;
- c. The Bill's provisions might be better incorporated into **regulations** under the

- existing National Sustainable Waste Management Act of 2022, rather than creating a separate Act, to avoid conflicting laws;
- d. Opposed giving the Cabinet Secretary the power to **impose levies** or handle environmental licensing and classification of e-waste, arguing that these functions should be the **mandate of the regulator** (NEMA) due to the environmental nature of the factors involved;
 - e. Expressed fears that moving licensing authority to the Cabinet Secretary could **politicize** the regulations and approval systems, potentially affecting private players;
 - f. Recommended changing the phrasing regarding the Cabinet Secretary establishing regional/global partnerships from "**may**" to "**shall**," arguing that engagement in global initiatives is crucial and mandatory to ensure Kenya's solutions and practical perspectives are included, particularly regarding international conventions like the Basel Convention;
 - g. Questioned the proposal for a separate bank account and stressed the importance of **ring-fencing** financial resources (gifts, grants, donations) dedicated to e-waste management to ensure they are invested in infrastructure;
 - h. Opposed the proposed requirement for a national e-waste recycling facility to occupy **30 acres**, viewing this as a **strategic barrier limitation to private investment**. They noted that collection facilities generally require less than half an acre, not the larger amount implied in the Bill;
 - i. Challenged the proposed fine of 50,000 shillings for e-waste collectors, stating this is equivalent to the fine for a recycler/refurbisher, and is too extreme for low-income collectors. The proposed reduction for this fine was **between 5,000 and 10,000 shillings** to act as a deterrent without encouraging corruption;
 - j. Expressed concern that the Bill promotes a **state-led approach** to waste management (e.g., establishing a national recycling facility), which contradicts the **Extended Producer Responsibility (EPR)** regulations and the spirit of collaboration between the public and private sectors outlined in existing waste management acts; and
 - k. Warned against allowing county governments to enact "county specific legislation" for e-waste, suggesting that a **single, umbrella provision** is necessary to reduce complexity and ease business operations across counties.

The Committee acknowledged the important pointer raised and the importance of the technical input provided by the stakeholders, further the Committee urged the Stakeholders to quickly put their comprehensive oral submissions in writing and submit for consideration by the Committee.

MIN/SEN/ICT/369/2025:

ANY OTHER BUSINESS

The Committee deliberated on the pending foreign trip and the Committee noted that the travel to Dubai was postponed due to the demise of Hon. Raila Odinga however, the travel documentations had been approved.

After Deliberation, the Committee resolved as follows: -

- a. Delegation to Dubai, United Arab Emirates will be comprised of: -
1. Sen. Allan Chesang', CBS, MP - Chairperson (Leader of the Delegation)
 2. Sen. Miraj Abdullahi, MP - Vice Chairperson
 3. Sen. Shakila Abdalla, MP - Member

The delegation to travel on **Thursday, 27th November, 2025**, and return on **Friday, 5th December, 2025**.

- b. Delegation to Istanbul, Turkey will be comprised of: -
1. Sen. William Kisang, MP - Member (Leader of the Delegation)
 2. Sen. Beatrice Ogola, MP - Member
 3. Sen. Hezena Lemaletian, MP - Member

The delegation to travel on **Monday, 5th January, 2026**, and return on **Tuesday, 13th January, 2026**.

MIN/SEN/ICT/370/2025:

ADJOURNMENT AND DATE OF
NEXT MEETING

The meeting was adjourned at thirty-seven minutes past one. The date of the next meeting will be on Notice.

SIGNED:

DATE:

7/03/26

SEN. ALLAN KIPROTICH CHESANG', CBS, MP,

CHAIRPERSON,

SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND
TECHNOLOGY



MINUTES OF THE SEVENTY - THIRD (73RD) SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON TUESDAY 18TH NOVEMBER 2025 AT 12:00 P.M AT COMMITTEE ROOM 4, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Allan Kiprotich Chesang', CBS, MP | - Chairperson |
| 2. Sen. Miraj Abdullahi Abdulrahman, MP | - Vice-Chairperson |
| 3. Sen. William Kipkemoi Kisang, MP | - Member |
| 4. Sen. Samson Kiprotich Cherarkey, MP | - Member |
| 5. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|-------------------------------------|----------|
| 1. Sen. Boy Issa Juma, MP | - Member |
| 2. Sen. Tabitha Keroche, MP | - Member |
| 3. Sen. Hezena M. Lemaletian, MP | - Member |
| 4. Sen. Shakila Abdalla Mohamed, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Mr. Yusuf Duale | - Clerk Assistant III |
| 3. Ms. Annette Kwamboka | - Legal Counsel |
| 4. Ms. Janice Lekuton | - Research Officer |
| 5. Mr. Sapan Pkiror | - Fiscal Analyst |
| 6. Mr. Mike Mwamuye | - Public Comm. Officer |
| 7. Ms. Juliet Masinde | - Media Relations Officer |
| 8. Mr. Eugene Otieno | - Audio Officer |

IN ATTENDANCE

- | | |
|--------------------------------|--|
| 1. Ms. Miriam Chepchumba Bomet | - Head, Policy and Regulation Advocacy, Kenya Association of Manufacturers. |
| 2. Ms. Ruth Lem Lem | - Manager, Legal and Regulation Affairs, Kenya Association of Manufacturers. |
| 3. Mr. Malcom Mwangi | - Legal and Regulation Affairs Officer, Kenya Association of Manufacturers. |
| 4. Mr. John Marvin | - Coordinator, EPROM |

MIN/SEN/ICT/371/2025:

PRAYER

The Chairperson called the meeting to order at fourteen minutes past twelve O'clock

followed by a word of prayer.

MIN/SEN/ICT/372/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes of the Previous Sitzings;
4. Matters arising
5. Meeting with the Council of Governors and the Kenya Association of Manufacturers to deliberate on the Electronic Equipment Disposal, Recycling and Reuse Bill (Senate Bills No.5 of 2025) (*Committee paper No.42*);
6. Any Other Business; and
7. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/373/2025:

**CONFIRMATION OF MINUTES OF
THE PREVIOUS SITTINGS**

1. Minutes of the 54th Sitting held on Tuesday, 20th May, 2025, at 12:00 p.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. William Kipkemoi Kisang, MP; and
2. Minutes of the 55th Sitting held on Thursday, 22nd May, 2025, at 8:30 a.m. were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Allan Kiprotich Chesang', CBS, MP and seconded by Sen. William Kipkemoi Kisang, MP.

MIN/SEN/ICT/374/2025:

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

The Committee noted a significant procedural issue arising from the absence of the Chairperson, Council of Governors and the Chief Executive Officer, Kenya Association of Manufacturers who had signed off on his written submission.

During deliberations, the Committee noted that: -

- a. Parliamentary tradition and precedent dictate that the head of the institution must appear before a committee to own the submission and bind the institution to the outcomes. He stressed that appearing before Parliament is a **constitutional obligation** not a social call;
- b. the CEO's presence ensures accountability and prevents stakeholders from challenging the process later in a court of law by claiming they were not consulted or adequately represented; and
- c. the Senate and its structures work towards supporting counties, but CoG is often not keen or not even interested in some of the senate businesses. It was further

noted that COG often only appears for finance matters;
The Committee thereafter resolved that the Committee will receive the written submissions presented by the representative from the Kenya Association of Manufacturers and reschedule the meeting with the Chairperson, Council of Governors and the CEO, Kenya Association of Manufacturers to a later date.

MIN/SEN/ICT/375/2025:

ANY OTHER BUSINESS

The Committee was informed on the scheduled county visit as follows: -

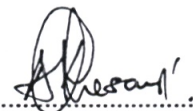
- a. The Narok County Governor requested rescheduling the county visit because he was attending his son's wedding. The secretariat proposed visiting Narok on Saturday afternoon, but the Committee was doubtful of the Governor's commitment;
- b. Kericho County Government were scheduled to appear before CPAC (County Public Accounts Committee) on Friday. The secretariat proposed visiting Kericho on Saturday, morning instead; and
- c. Nakuru County had not given any apologies and was ready for the visit.

After deliberation the Committee resolved to undertake the county visit if at least two counties have confirmed to make it economical. The secretariat was tasked with contacting the stakeholders for confirmation and Communicate to the members after adjournment.

MIN/SEN/ICT/376/2025:

ADJOURNMENT AND DATE OF
NEXT MEETING

The meeting was adjourned at eight minutes past one. The date of the next meeting will be on Notice.

SIGNED: .....

DATE: 7/03/26.....

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



MINUTES OF THE SEVENTY - SIXTH (76TH) SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON TUESDAY 17TH FEBRUARY, 2026 AT 12:00 P.M IN COMMITTEE ROOM 5, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|------------------------------|
| 1. Sen. Allan Kiprotich Chesang', CBS, MP | - Chairperson |
| 2. Sen. Hezema M. Lemaletian, MP | - Member- (<i>Virtual</i>) |
| 3. Sen. Beatrice Akinyi Ogola, MP | - Member- (<i>Virtual</i>) |

ABSENT WITH APOLOGY

- | | |
|---|--------------------|
| 1. Sen. Miraj Abdullahi Abdulrahman, MP | - Vice-Chairperson |
| 2. Sen. William Kipkemoi Kisang, MP | - Member |
| 3. Sen. Tabitha Keroche, MP | - Member |
| 4. Sen. Samson Kiprotich Cherarkey, MP | - Member |
| 5. Sen. Boy Issa Juma, MP | - Member |
| 6. Sen. Shakila Abdalla Mohamed, MP | - Member |

SECRETARIAT

- | | |
|-------------------------------|---------------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Mr. Yusuf Duale | - Clerk Assistant III |
| 3. Ms. Annette Kwamboka | - Legal Counsel |
| 4. Ms. Janice Lekuton | - Research Officer |
| 5. Ms. Fatuma Abdi | - Audio Officer |
| 6. Mr. Mike Mwamuye | -Public Comm
Officer |
| 7. Ms. Shirleen Dinah Inganji | -Intern, Public Comm
Officer |

IN ATTENDANCE

- | | |
|----------------------|--|
| 1. Ms. Beth Mushi | - Corporate Secretary/Head of Legal, KNRA |
| 2. Mr. John Opar | - Licensing and Standard, KNRA |
| 3. Mr. Edward Mayaka | - Director, Partnership and Public Awareness, KNRA |
| 4. Mr. Mark Oloo | - Public Communications, KNRA |
| 5. Mr. Eric Ngotho | - Senior Principal, Nuclear Inspector, KNRA |
| 6. Mr. Wilfred Yego | - Supply Chain Management, KNRA |

MIN/SEN/ICT/387/2025:

PRAYER

The Chairperson called the meeting to order at five minutes past twelve O'clock followed by a word of prayer.

MIN/SEN/ICT/388/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Hezena M. Lemaletian, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Meeting with the Director General, Kenya Nuclear Regulatory Authority (KNRA) to deliberate on the Electronic Equipment Disposal, Recycling and Reuse Bill (Senate Bills No. 5 of 2025);
4. Any Other Business; and
5. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/389/2025:

MEETING WITH THE DIRECTOR
GENERAL, KENYA NUCLEAR
REGULATORY AUTHORITY TO
DELIBERATE ON THE ELECTRONIC
EQUIPMENT DISPOSAL, RECYCLING
AND REUSE BILL (SENATE BILLS
NO. 5 OF 2025)

The Committee was informed that the Director General, Kenya Nuclear Regulatory Authority (KNRA) was not able to attend the meeting as he was attending other official duties however, Ms. Beth Mushi would be presenting the submissions on his behalf.

The Corporate Secretary and Head of Legal, Kenya Nuclear Regulatory Authority (KNRA) informed the Committee on the following: -

- a. KNRA expressed its support on the Bill's objective to provide a legal framework for sustainable e-waste disposal;
- b. Many electronic devices such as medical X-ray machines, airport baggage scanners and industrial equipment contain radioactive components;
- c. Citing regulatory overlap, KNRA noted a "convergence" between the proposed Bill and the Nuclear Regulatory Act. They emphasized that components capable of producing radiation must be disposed of according to nuclear safety standards to protect human health and the environment;
- d. There were concerns regarding the stage at which KNRA would be brought on board during the disposal process suggesting that the Director General of KNRA should be a board in the proposed Bill;
- e. KNRA proposed including a section that explicitly addresses materials involving nuclear radiation;
- f. Citing retention of powers, KNRA requested that the Bill include language such as "**save for nuclear materials**" ensuring KNRA retains regulatory power over such items as per their existing Act; and
- g. They sought for clarification of mandate to ensure that any e-waste incorporating radioactive materials is subjected further to the provisions of the

Nuclear Regulatory Act.

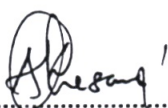
The Committee noted the submissions and the intersectionality of the Bill, particularly as it relates to the regulation, management and control of radioactive materials. Consequently, the Committee directed Kenya Nuclear Regulatory Authority (KNRA) to provide a comprehensive clause-by-clause resubmission of the proposed amendments.

The Representative from Kenya Nuclear Regulatory Authority (KNRA) undertook to submit their formal responses and proposed amendments by the end of the week.

MIN/SEN/ICT/390/2025:

ADJOURNMENT AND DATE OF
NEXT MEETING

There being no other business the meeting was adjourned at fifty-four minutes past twelve O'clock. The date of the next meeting will be on Notice.

SIGNED: 

DATE: 7/03/2026

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



MINUTES OF THE SEVENTY - SEVENTH (77TH) SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON THURSDAY 19TH FEBRUARY, 2026 AT 12:00 P.M IN COMMITTEE ROOM 1, FIRST FLOOR, BUNGE TOWER.

PRESENT

- | | |
|---|--------------------|
| 1. Sen. Miraj Abdullahi Abdulrahman, MP | - Vice-Chairperson |
| 2. Sen. Boy Issa Juma, MP | - Member |
| 3. Sen. Shakila Abdalla Mohamed, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|---------------|
| 1. Sen. Allan Kiprotich Chesang', CBS, MP | - Chairperson |
| 2. Sen. William Kipkemoi Kisang, MP | - Member |
| 3. Sen. Tabitha Keroche, MP | - Member |
| 4. Sen. Samson Kiprotich Cherarkey, MP | - Member |
| 5. Sen. Hezena M. Lemaletian, MP | - Member |
| 6. Sen. Beatrice Akinyi Ogola, MP | - Member |

SECRETARIAT

- | | |
|-------------------------------|-------------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Mr. Yusuf Duale | - Clerk Assistant III |
| 3. Ms. Annette Kwamboka | - Legal Counsel |
| 4. Ms. Janice Lekuton | - Research Officer |
| 5. Mr. Sapan Pkiror | - Fiscal Analyst |
| 6. Mr. Mike Mwamuye | - Public Comm Officer |
| 7. Ms. Fatuma Abdi | - Audio Officer |
| 8. Ms. Shirleen Dinah Inganji | - Intern, Public Comm Officer |

IN ATTENDANCE

- | | |
|----------------------|--|
| 1. Ms. Serah Okumu | - Director Legal and regulatory, NUPEA |
| 2. Mr. Edwin Chesire | - NLA, NUPEA |
| 3. Ms. Sally Mwangi | - SLO, NUPEA |

MIN/SEN/ICT/391/2025:

PRAYER

The Vice Chairperson called the meeting to order at twenty-three minutes past twelve O'clock followed by a word of prayer.

MIN/SEN/ICT/392/2025:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Shakila Abdalla Mohamed, MP and seconded by Sen. Boy Issa Juma, MP as follows:

1. Prayer;
2. Adoption of the Agenda;

3. Meeting with the Chief Executive Officer, Nuclear Power and Energy Agency to deliberate on the Electronic Equipment Disposal, Recycling and Reuse Bill (Senate Bills No.5 of 2025);
4. Consideration of the 2026 Budget Policy Statement and the Medium Term;
5. Any Other Business; and
6. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/393/2025:

MEETING WITH THE CHIEF
EXECUTIVE OFFICER, NUCLEAR
POWER AND ENERGY AGENCY TO
DELIBERATE ON THE ELECTRONIC
EQUIPMENT DISPOSAL, RECYCLING
AND REUSE BILL (SENATE BILLS
NO.5 OF 2025);

The Director of Regulatory Services represented the Nuclear Power and Energy Agency, noting that the CEO was attending a meeting with the National Assembly Energy Committee.

The Committee expressed dissatisfaction with the CEO's absence, noting that the CEO should have appeared personally to present the submissions. The Committee declined the request from the representatives to take the Committee through the submission. However, they requested a full written submission signed by the CEO to be delivered to the office of the Clerk.

MIN/SEN/ICT/394/2025:

CONSIDERATION OF THE 2026
BUDGET POLICY STATEMENT AND
THE MEDIUM TERM.

The Committee Fiscal analyst provided a comprehensive overview of the national and sector-specific budget outlook and informed the Committee as follows: -

- a. The total proposed resource ceiling for the upcoming financial year is Ksh 4.7 trillion, a 9.8% increase from the previous year;
- b. Counties are proposed to receive Ksh 420 billion as an equitable share;
- c. The State Department of ICT had an average resource absorption rate of 83% over the last three years;
- d. The State Department of ICT proposed allocation of Ksh 17.96 billion (an increase of 1.7 billion), with a heavy focus on infrastructure and a new program for ICT security and data protection;
- e. The State Department of Broadcasting Proposed allocation of Ksh 6.4 billion; and
- f. The Digital Superhighway remains a core focus, aiming to lay 100,000 km of fiber, establish 25,000 public Wi-Fi hotspots and create 1,450 digital hubs (one per ward).

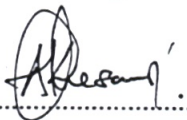
The Committee noted the following: -

- a. The gaps in meeting targets such as the degradation of NOFBI infrastructure and delayed procurement affecting school internet connectivity;
- b. High level of pending bills specifically Ksh 6.7 billion for KBC and Ksh 6 billion for the Postal Corporation of Kenya (PCK); and
- c. Government plans to revamp KBC and Postal Cooperation of Kenya through operational reforms and modernization.

MIN/SEN/ICT/395/2025:

ADJOURNMENT AND DATE OF
NEXT MEETING

There being no other business the meeting was adjourned a minute past one O'clock.
The date of the next meeting will be on Notice.

SIGNED: .....

DATE: 7/03/26.....

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



MINUTES OF THE SEVENTY-NINTH (79TH) SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON THURSDAY 5TH MARCH, 2026 P.M AT 12:00 IN COMMITTEE ROOM 7, FIRST FLOOR, BUNGE TOWER.

PRESENT

1. Sen. Allan Kiprotich Chesang', CBS, MP - **Chairperson**
2. Sen. William Kipkemai Kisang, MP - Member
3. Sen. Shakila Abdalla Mohamed, MP - Member
4. Sen. Beatrice Akinyi Ogola, MP - Member

ABSENT WITH APOLOGY

1. Sen. Miraj Abdullahi Abdulrahman, MP - **Vice-Chairperson**
2. Sen. Samson Kiprotich Cherarkey, MP - Member
3. Sen. Boy Issa Juma, MP - Member
4. Sen. Tabitha Keroche, MP - Member
5. Sen. Hezena M. Lemaletian, MP - Member

SECRETARIAT

1. Ms. Getrude Nthiiri - Clerk Assistant I
2. Mr. Yusuf Duale - Clerk Assistant III
3. Ms. Annette Kwamboka - Legal Counsel
4. Ms. Janice Lekuton - Research Officer
5. Ms. Fatuma Abdi - Audio Officer
6. Mr. Sapan Pkiror - Fiscal Analyst
7. Mr. Mike Mwamuye - Public Comm Officer

MIN/SEN/ICT/400/2026:

PRAYER

The Vice Chairperson called the meeting to order at eighteen minutes past twelve O'clock followed by a word of prayer.

MIN/SEN/ICT/401/2026:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. William Kipkemai Kisang, MP and seconded by Sen. Shakila Abdalla Mohamed, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. **Consideration of the submission matrix on the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025); (Committee Paper No.49);**
4. Any Other Business; and
5. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/402/2026:

CONSIDERATION OF THE
SUBMISSION MATRIX ON THE
ELECTRONIC EQUIPMENT
DISPOSAL, RECYCLING AND REUSE
BILL, 2025 (SENATE BILLS NO. 5 OF
2025);

The Legal Counsel presented the Submission matrix on the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025).

During deliberations: -

- a. Members expressed concern regarding potential overlaps between regulatory agencies in the management of electronic waste. The Committee emphasized the need to clearly define responsibilities among agencies to prevent regulatory conflict and inefficiencies;
- b. The Committee noted the central role of National Environment Management Authority in ensuring environmental compliance and oversight of waste management standards. Members emphasized that proper environmental safeguards must be incorporated to mitigate the risks associated with improper disposal of electronic waste;
- c. The Committee acknowledged that certain electronic equipment may contain radioactive or hazardous components. In this regard, Members noted the role of Kenya Nuclear Regulatory Authority in regulating nuclear or radioactive materials and ensuring safe handling and disposal where applicable;
- d. Members noted the need to incorporate mechanisms that would ensure manufacturers, importers and distributors of electronic equipment take responsibility for the lifecycle management of their products, including end-of-life disposal; and
- e. Members also deliberated on the role of county governments in waste management, noting that counties may be responsible for local waste collection systems. However, the Committee emphasized the need for a harmonized framework to avoid excessive levies or regulatory fragmentation that could burden the ICT sector.

Subsequently, the Committee noted that the number and complexity of submissions received and resolved that they could not be conclusively addressed during the Committee sitting. The Committee further observed that a retreat had already been scheduled to facilitate a comprehensive consideration of the submission matrix. Consequently, the Committee resolved that the detailed review and finalization of the submission matrix would be undertaken during the retreat, as well as consider the draft Bill report.

MIN/SEN/ICT/403/2026:

ADJOURNMENT AND DATE OF
NEXT MEETING

There being no other business the meeting was adjourned at four minute past one O'clock. The date of the next meeting will be on Notice.

SIGNED:



DATE:

17/03/26

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



MINUTES OF THE EIGHTIETH (80TH) SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON SATURSDAY 7TH MARCH, 2026 P.M AT 10:00 A.M. AT GLEE HOTEL, KIAMBU COUNTY.

PRESENT

- | | |
|---|------------------------------|
| 1. Sen. Allan Kiprotich Chesang', CBS, MP | - Chairperson |
| 2. Sen. William Kipkemai Kisang, MP | - Member |
| 3. Sen. Boy Issa Juma, MP | - Member |
| 4. Sen. Samson Kiprotich Cherarkey, MP | - Member (<i>Chairing</i>) |
| 5. Sen. Shakila Abdalla Mohamed, MP | - Member |
| 6. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|--------------------|
| 1. Sen. Miraj Abdullahi Abdulrahman, MP | - Vice-Chairperson |
| 2. Sen. Tabitha Keroche, MP | - Member |
| 3. Sen. Hezena M. Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Mr. Yusuf Duale | - Clerk Assistant III |
| 3. Ms. Annette Kwamboka | - Legal Counsel |
| 4. Ms. Janice Lekuton | - Research Officer |
| 5. Ms. Fatuma Abdi | - Audio Officer |
| 6. Mr. Abdalla Mbore | - SAA |
| 7. Ms. Violet Nala | - Media Relations Officer |
| 8. Ms. Jeniffer Mwavita | - Office Assistant DSEC |

MIN/SEN/ICT/404/2026:

PRAYER

The Ag. Chairperson called the meeting to order at twenty-three minutes past twelve O'clock followed by a word of prayer.

MIN/SEN/ICT/405/2026:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. Shakila Abdalla Mohamed, MP and seconded by Sen. Beatrice Akinyi Ogola, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Consideration of the submission matrix on the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025);
4. (*Committee Paper No.49*);

5. Any Other Business; and
6. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/406/2026:

CONSIDERATION OF THE
SUBMISSION MATRIX ON THE
ELECTRONIC EQUIPMENT
DISPOSAL, RECYCLING AND REUSE
BILL, 2025 (SENATE BILLS NO. 5 OF
2025);

The Legal Counsel took members through the consolidated matrix on the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025).

During deliberation of the Submission Matrix, Members noted as follows: -

A. Clause 2: Definitions and Interpretations

- **E-waste Sorting Sites:** NEMA proposed that these sites be subject to their approval to ensure environmental standards. The committee **rejected** this, resolving to protect devolution. It was argued that waste management is a devolved function and NEMA should focus on monitoring and assessment rather than acting as a primary approver for county infrastructure.
- **Ward Consolidation Sites:** NEMA suggested changing this to "waste transfer stations." The committee **rejected** this change to maintain the character of devolution and ensure specific focus on ward-level administration.
- **Nuclear/Radioactive Waste:** Following a submission from the Nuclear Power and Energy Agency, the committee agreed to **exclude** radioactive or contaminated equipment from the bill's scope. Such waste will be managed under the Nuclear Regulatory Act.

B. Clause 3: Objects of the Act

- **Extended Producer Responsibility (EPR):** The committee accepted the Ministry's proposal to include EPR as a core object. Deliberations clarified that EPR is a mechanism for producer accountability holding manufacturers responsible for end-of-life disposal, rather than a new fiscal tax.
- **Hierarchy of Waste:** The committee agreed to rearrange the objects to prioritize **reuse, refurbishment, and repair** over immediate disposal or recycling.

C. Clause 4: Guiding Principles

- The committee resolved to include the **"polluter pays" principle** and the **zero waste principle**. The "polluter pays" principle was defined as requiring polluters to bear the costs of environmental cleanup and lost beneficial uses.
- A principle prioritizing the extension of equipment lifespan over material recovery was also adopted.

D. Clause 5-6: Functions and Powers of the Cabinet Secretary (CS)

- The committee resolved to differentiate between **policy-making** (the CS's role) and **regulation/licensing** (NEMA's role).
- It was agreed that the CS should focus strictly on policy, while administrative and operational functions such as licensing national recycling plants, should fall under NEMA.

E. Clause 7: County Functions and Inter-county Frameworks

- **Inter-county Collaboration:** The committee resolved that the **Council of Governors (COG)** should develop a framework for the inter-county transportation and disposal of e-waste.
- **Ward-level Mandate:** The COG argued against mandating a consolidation site in **every ward** due to fiscal constraints. The committee **rejected** the COG's request to cluster sites, insisting that each ward must have a drop-off point to prevent and ensure accessibility as e-waste volumes grow.
- **Dual Licensing:** The committee rejected NEMA's proposal for dual licensing (national and county), calling it punitive and a complication for doing business.

F. Clause 11 & 12: Licensing and Appeals

- **Licensing Period:** Stakeholders suggested a 10-year license. The committee **rejected** this, maintaining an **annual renewal** requirement to ensure continuous compliance and inspection.
- **Appeals:** Disputes involving NEMA will be referred to the **National Environmental Tribunal**, while county licensing disputes should be exhausted through local administrative or municipal court mechanisms first.

G. Clause 16: National E-waste Recycling Plant

- **Acreage:** The original requirement for a fixed 5-acre radius was **rejected**. The committee resolved that acreage should be determined by **technical assessments** by NEMA.
- **Monopoly Concerns:** To prevent a monopoly, the committee agreed the national plant could lease space to **private sector recyclers**, promoting synergy.

H. Clause 20: Trans boundary Movement

- The committee accepted a proposal to strictly regulate the import and export of e-waste, specifically **prohibiting the import of e-waste for final disposal** to prevent Kenya from becoming a dumping ground.

FUNDING AND FISCAL PROPOSALS

Member's deliberation centered on the flow of funds. The Committee proposed that **EPR fees** collected nationally could be channeled to counties as **conditional grants**,

similar to how mining royalties are distributed. This ensures that even rural counties with lower collection volumes receive funding based on the national pool.

The Ag. Chairperson suspended the sitting until later in the afternoon to allow the Secretariat sufficient time to finalize the draft Report for the Committee's consideration and subsequent adoption.

MIN/SEN/ICT/407/2026:

ADJOURNMENT AND DATE OF
NEXT MEETING

There being no other business the meeting was adjourned at thirty-seven minute past twelve O'clock. The date of the next meeting will be on Notice.

SIGNED: 

DATE: 17/03/26

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



MINUTES OF THE EIGHTY-ONE (81ST) SITTING OF THE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY HELD ON SATURSDAY 7TH MARCH, 2026 P.M AT 2:00 P.M. AT GLEE HOTEL, KIAMBU COUNTY

PRESENT

- | | |
|---|------------------------------|
| 1. Sen. Allan Kiprotich Chesang', CBS, MP | - Chairperson |
| 2. Sen. William Kipkemai Kisang, MP | - Member |
| 3. Sen. Boy Issa Juma, MP | - Member |
| 4. Sen. Samson Kiprotich Cherarkey, MP | - Member (<i>Chairing</i>) |
| 5. Sen. Shakila Abdalla Mohamed, MP | - Member |
| 6. Sen. Beatrice Akinyi Ogola, MP | - Member |

ABSENT WITH APOLOGY

- | | |
|---|--------------------|
| 1. Sen. Miraj Abdullahi Abdulrahman, MP | - Vice-Chairperson |
| 2. Sen. Tabitha Keroche, MP | - Member |
| 3. Sen. Hezena M. Lemaletian, MP | - Member |

SECRETARIAT

- | | |
|-------------------------|---------------------------|
| 1. Ms. Getrude Nthiiri | - Clerk Assistant I |
| 2. Mr. Yusuf Duale | - Clerk Assistant III |
| 3. Ms. Annette Kwamboka | - Legal Counsel |
| 4. Ms. Janice Lekuton | - Research Officer |
| 5. Ms. Fatuma Abdi | - Audio Officer |
| 6. Mr. Abdalla Mbore | - SAA |
| 7. Ms. Violet Nala | - Media Relations Officer |
| 8. Ms. Jeniffer Mwavita | - Office Assistant DSEC |

MIN/SEN/ICT/408/2026:

PRAYER

The Vice Chairperson called the meeting to order at eighteen minutes past twelve O'clock followed by a word of prayer.

MIN/SEN/ICT/409/2026:

ADOPTION OF THE AGENDA

The agenda of the meeting was adopted having been proposed by Sen. William Kipkemai Kisang, MP and seconded by Sen. Shakila Abdalla Mohamed, MP as follows:

1. Prayer;
2. Adoption of the Agenda;
3. Confirmation of Minutes;
4. Matters arising;
5. **Consideration and Adoption on the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025);**

6. (*Committee Paper No.49*);
7. Any Other Business; and
8. Adjournment and Date of the Next Meeting.

MIN/SEN/ICT/410/2026:

CONFIRMATION OF MINUTES:

1. Minutes of the 24th Sitting held on Tuesday, 6th August, 2024, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Samson Kiprotich Cherarkey, MP and seconded by Sen. William Kipkemai Kisang, MP;
2. Minutes of the 33rd Sitting held on Tuesday, 5th November, 2024, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Boy Issa Juma, MP;
3. Minutes of the 34th Sitting held on Thursday, 21st November, 2024, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Shakila Abdalla Mohamed, MP;
4. Minutes of the 35th Sitting held on Thursday, 28th November, 2024, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Samson Kiprotich Cherarkey, MP and seconded by Sen. Shakila Abdalla Mohamed, MP;
5. Minutes of the 40th Sitting held on Monday, 27th January, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Shakila Abdalla Mohamed, MP;
6. Minutes of the 41st Sitting held on Monday, 24th February, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Boy Issa Juma, MP and seconded by Sen. William Kipkemai Kisang, MP;
7. Minutes of the 52nd Sitting held on Thursday, 8th May, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. William Kipkemai Kisang, MP and seconded by Sen. Beatrice Ogola, MP;
8. Minutes of the 53rd Sitting held on Tuesday, 13th May, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. William Kipkemai Kisang, MP and seconded by Sen. Beatrice Ogola, MP;
9. Minutes of the 58th Sitting held on Thursday, 5th June, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Shakila Abdalla Mohamed, MP;
10. Minutes of the 59th Sitting held on Monday, 23rd June, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Samson Kiprotich Cherarkey, MP and seconded by Sen. Beatrice Ogola, MP;

11. Minutes of the 62nd Sitting held on Thursday, 31st July, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Samson Kiprotich Cherarkey, MP and seconded by Sen. Beatrice Ogola, MP;
12. Minutes of the 63rd Sitting held on Tuesday, 5th August, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Shakila Abdalla Mohamed, MP;
13. Minutes of the 65th Sitting held on Wednesday, 2nd September, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Allan Kiprotich Chesang', CBS, MP and seconded by Sen. William Kipkemoi Kisang, MP;
14. Minutes of the 67th Sitting held on Tuesday, 30th September, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. William Kipkemoi Kisang, MP and seconded by Sen. Beatrice Ogola, MP;
15. Minutes of the 70th Sitting held on Tuesday, 28th October, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Shakila Abdalla Mohamed, MP and seconded by Sen. Beatrice Ogola, MP;
16. Minutes of the 71st Sitting held on Thursday, 30th October, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Shakila Abdalla Mohamed, MP and seconded by Sen. Beatrice Ogola, MP;
17. Minutes of the 72th Sitting held on Tuesday, 11th November, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Shakila Abdalla Mohamed, MP;
18. Minutes of the 73rd Sitting held on Tuesday, 18th November, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Allan Kiprotich Chesang', CBS, MP and seconded by Sen. William Kipkemoi Kisang, MP;
19. Minutes of the 74th Sitting held on Thursday, 27th November, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Allan Kiprotich Chesang', CBS, MP and seconded by Sen. Boy Issa Juma, MP;
20. Minutes of the 75th Sitting held on Tuesday, 2nd December, 2025, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Allan Kiprotich Chesang', CBS, MP;
21. Minutes of the 76th Sitting held on Tuesday, 17th February, 2026, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Allan Kiprotich Chesang', CBS, MP and seconded by Sen. Beatrice Ogola, MP;

22. Minutes of the 77th Sitting held on Thursday, 19th February, 2026, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Boy Issa Juma, MP and seconded by Sen. Shakila Abdalla Mohamed, MP;

23. Minutes of the 78th Sitting held on Tuesday, 24th February, 2026, were confirmed as a true record of the proceedings of the Committee having been proposed by Sen. Shakila Abdalla Mohamed, MP and seconded by Sen. William Kipkemoi Kisang, MP;

MIN/SEN/ICT/411/2026:

CONSIDERATION AND ADOPTION
THE ELECTRONIC EQUIPMENT
DISPOSAL, RECYCLING AND REUSE
BILL, 2025 (SENATE BILLS NO. 5 OF
2025);

The Committee considered the report on Electronic Equipment Disposal Recycling and Reuse Bill 2025 and made the following observations and recommendations: -

Observations

1. **Waste Volume:** Kenya generates approximately 51,000 metric tons of electronic waste annually, creating an urgent need for a framework to regulate its collection, transportation, and recycling;
2. **Governance Gaps:** There is a critical gap in devolved management at the county and ward levels. Functions need to be clearly delineated between national and county governments, particularly regarding trade licensing for collectors and recyclers;
3. **Producer Responsibility:** The committee observed that **Extended Producer Responsibility (EPR)** and the Sustainable Waste Management Act should place primary financial and organizational responsibility on producers and importers;
4. **Specialized Waste:** Equipment containing **radioactive components**, such as X-ray machines and airport baggage scanners, must be subject to the **Nuclear Regulatory Act** rather than ordinary e-waste regulations; and
5. **Informal Sector:** A framework is needed to integrate and regulate the **informal e-waste sector**, which currently handles a significant portion of the waste.

Recommendations

The committee proposed several amendments to bill as follows: -

1. **Definitions and Scope:** The long title should be amended to cover the **entire life cycle** of electrical and electronic equipment. Definitions for "**refurbish**," "**repair**," and "**recovery**" should be added;
2. **Guiding Principles:** Clause 4 should be amended to include the "**polluter pays**" principle and the **precautionary principle**;

3. **Definition of Power:** The Cabinet Secretary's role should be limited to policy-making, while operational functions such as setting standards, guidelines, and monitoring, should be transferred to NEMA;
4. **Licensing:** Licensing for e-waste collectors should be undertaken by county governments, while NEMA should handle the licensing of national e-waste recyclers. The committee recommended annual licensing subject to a compliance certificate;
5. **Land Requirements:** Instead of fixed acreage (such as a 30-acre requirement), the size of recycling and sorting sites should be determined by technical assessments;
6. **Funding for Counties:** The committee recommended a conditional allocation of EPR fees collected by NEMA to be channeled to counties to fund e-waste management and enforcement; and
7. **International Trade:** New provisions should strictly regulate the import, export, or transit of e-waste to prevent Kenya from becoming a dumping ground.

Subsequently, the Committee **Adopted** the Report of the Electronic Equipment Disposal Recycling and Reuse Bill 2025 having been proposed by Sen. Beatrice Ogola, MP and seconded by Sen. Boy Issa Juma, MP;

MIN/SEN/ICT/412/2026:

ADJOURNMENT AND DATE OF
NEXT MEETING

There being no other business the meeting was adjourned at forty-five minute past two O'clock. The date of the next meeting will be on Notice.

SIGNED: AKesang' DATE: 17/03/26

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

23rd March 2026

The Clerk of the Senate,
Parliament Buildings,
NAIROBI.

RE: COMMITTEE STAGE AMENDMENTS TO THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025 (SENATE BILLS NO. 5 OF 2025)

NOTICE is given that Sen. Allan Kiprotich Chesang, the Chairperson to the Standing Committee on Information, Communication and Technology intends to move the following amendments to the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (Senate Bills No. 5 of 2025), at the Committee Stage—

CLAUSE 3

THAT clause 3 of the Bill be amended—

- (a) by deleting paragraph (a) and substituting therefor the following new paragraph—
 - (a) provide for sustainable and environmentally compliant mechanisms for the collection, sorting, refurbishment, repair, reuse, disposal, recycling and material recovery of electrical and electronic products;
- (b) in paragraph (b) by deleting the word “improve” appearing at the beginning of the paragraph and substituting therefor the word “safeguard”;
- (c) by inserting the following new paragraph immediately after paragraph (b) —
 - (ba) promote extended user responsibility of electrical and electronic products in counties by integrating producer responsibility to the post-consumer stage of a product’s life-cycle.

CLAUSE 4

THAT clause 4 of the Bill be amended by deleting paragraph (b) and substituting therefor the following new paragraph—

- (b) zero waste principle, polluter pays principle and precautionary principle as prescribed in the Sustainable Waste Management Act.

CLAUSE 5

THAT the Bill be amended by –

- (a) deleting clause 5 and substituting therefor the following new clause—

Functions of the
Cabinet Secretary.

5. The Cabinet Secretary shall—

- (a) in consultation with county governments develop a policy and strategies on e-waste management; and
- (b) co-ordinate adherence to international obligations with regards to e-waste management on the recommendation of the Authority.

CLAUSE 6

THAT clause 6 of the Bill be amended—

- (a) in the marginal note by deleting the words “Cabinet Secretary” and substituting therefor with the word “Authority”;
- (b) in the introductory clause by -
- (i) deleting the words “Cabinet Secretary” appearing immediately after the word “The” at the beginning of the clause and substituting therefor the word “Authority”;
- (ii) deleting the words “Cabinet Secretary” appearing immediately after the words “the foregoing the,” and substituting therefor the word “Authority.”

CLAUSE 7

THAT clause 7(1) of the Bill be amended by—

(a) renumbering the provision as clause 7;

(b) deleting paragraph (i) and substituting therefor the following new paragraph—

(i) in collaboration with law enforcement agencies, enforce national and county legislation to the extent that the said legislation is enforceable in counties;

(c) in paragraph (l) by inserting the words “and safety” immediately after the words “on health”.

CLAUSE 8

THAT clause 8 of the Bill be amended by inserting the following new subclause immediately after subclause (1)—

(1A) Producers of electrical and electronic equipment shall have primary financial and organisational responsibility for post-consumer e-waste management of their products.

CLAUSE 10

THAT clause 10 of the Bill be amended—

(a) in subclause (1) by deleting the words “Cabinet Secretary” appearing immediately after the words “licence from the” and substituting therefor the word “Authority”;

(b) in subclause (2) by deleting the words “Cabinet Secretary” appearing immediately after the words “fees to the” and substituting therefor the word “Authority”;

(c) in subclause (3) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” at the beginning of the subclause and substituting therefor the word “Authority”;

(d) in subclause (4) by deleting the words “Cabinet Secretary” appearing immediately after the word “The” at the beginning of the subclause and substituting therefor the word “Authority”;

(e) in subclause (5) by —

(i) deleting the words “Cabinet Secretary” appearing immediately after the words “Where the” and substituting therefor the word “Authority”; and

- (ii) deleting the words "Cabinet Secretary" appearing immediately after the words "grant an application the," and substituting therefor the word "Authority".

CLAUSE 12

THAT clause 12 of the Bill be amended by deleting the words "Cabinet Secretary" appearing immediately after the words "decision of the" and substituting therefor the word "Authority"

CLAUSE 13

THAT clause 13 of the Bill be amended—

- (a) in the introductory clause by deleting the word "Cabinet Secretary" appearing immediately after the word "The" at the beginning of the clause and substituting therefor the word "Authority";
- (b) in paragraph (a) by deleting the words "Cabinet Secretary" appearing immediately after the words "imposed by the" and substituting therefor the word "Authority"; and
- (c) in paragraph (c) by deleting the words "Cabinet Secretary" appearing immediately after the words "licence to the" and substituting therefor the word "Authority".

CLAUSE 16

THAT clause 16 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) The Authority shall determine the acreage of the National E-Waste Recycling Plant and its buffer zone by—

- (a) undertaking a technical and environmental impact assessment to determine the requisite size of the plant and the subsequent impact on the environment; and
- (b) adhering to the applicable land use laws.

CLAUSE 17

THAT clause 17 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) The respective county executive committee member shall determine, with the approval of the county executive, the acreage of the e-waste sorting site and its buffer zone by—

- (a) undertaking a technical and environmental impact assessment to determine the requisite size of the site and the subsequent impact on the environment; and
- (b) adhering to the applicable county land use laws.

CLAUSE 18

THAT clause 18 of the Bill be amended by deleting subclause (2) and substituting therefor the following new subclause—

(2) The county executive committee member shall determine in consultation with the respective member of county assembly determine the acreage of the ward consolidation site and its buffer zone by—

- (a) undertaking a technical and environmental impact assessment to determine the requisite size of the site and the subsequent impact on the environment; and
- (b) adhering to the applicable county land use laws.

CLAUSE 20

THAT clause 20 of the Bill be amended by inserting the following new paragraph immediately after paragraph (c) —

- (ca) the import, export and trans-national transit of e-waste.

NEW CLAUSES

NEW CLAUSE 5A

THAT the Bill be amended by inserting the following new clause immediately after clause 5—

Functions of the
Authority.

5A. (1) The Authority shall—

- (a) develop strategies for proper e-waste disposal and management in the country;
- (b) mobilize resources for financing of the e-waste management sector;
- (c) develop standards and guidelines on health measures to be taken by an e-waste practitioner;
- (d) in consultation with all relevant stakeholders, develop e-waste disposal strategies;
- (e) conduct periodic reviews on the e-waste disposal strategies;
- (f) monitor the whole value chain of e-waste management from collection to disposal and propose measures to ensure efficiency;
- (g) licence national E-waste recycling plants; and
- (h) conduct e-waste public education and awareness.

(2) In exercising the functions under subsection (1), the Authority may—

- (a) collaborate with local, regional and international organisations in e-waste management; and
- (b) participate in local, regional and global initiatives for better e-waste management.

NEW CLAUSE 19A

THAT the Bill be amended by inserting the following new clause immediately after clause 19—

Exclusion of
radioactive waste
and nuclear waste.

19A. (1) This Bill shall not apply to radioactive waste or nuclear waste arising from electrical or electronic equipment or any related activity.

(2) Radioactive waste and nuclear waste shall be managed, transported, stored, and disposed of in accordance with the provisions of the Nuclear Regulatory Act.

Cap 243.

NEW CLAUSE 22

THAT the Bill be amended by inserting the following new clause immediately after clause 21—

Amendment to Cap
387 C.

22. Section 13 of the Sustainable Waste Management Act is amended by inserting the following new paragraphs immediately after subclause (2)—

(2A) An importer of a finished product shall pay to the Authority at the point of importation an extended producer responsibility fee as determined by the Cabinet Secretary in consultation with the Authority.

(2B) The Authority shall allocate to counties at least 25% of the prescribed fees collected under subclause (2A).

(2C) County governments receiving allocations under this section shall apply the funds solely for activities related to the environmentally sound management of electronic waste in accordance with this Act.

CLAUSE 2

THAT clause 2 of the Bill be amended—

- (a) in paragraph (b) of the definition of the words “e-waste practitioner” by deleting the words “the Cabinet Secretary” appearing immediately after the words “section 10 by” and substituting therefor the words “the Authority”;
- (b) by inserting the following new definitions in their proper alphabetical sequence —

“refurbishment” means the process of restoring a used or discarded electrical, electronic equipment or component to a functional condition through cleaning, repair, replacement of defective parts, testing and upgrading where necessary for the purpose of reuse;

“repair” means the process of fixing or replacing defective or worn out components of electrical or electronic equipment in order to restore the equipment to proper working condition without substantially altering its original design or functionality;

LONG TITLE

THAT the long title be amended by inserting the words “the reuse, refurbishment, repair” immediately after the words “framework for”.

Dated 31ST MARCH , 2026.



Sen. Allan Kiprotich Chesang,
Chairperson,
Standing Committee on Information, Communication and Technology.

SPECIAL ISSUE

Kenya Gazette Supplement No. 67 (Senate Bills No. 5)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

SENATE BILLS, 2025

NAIROBI, 9th May, 2025

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**THE ELECTRONIC EQUIPMENT DISPOSAL,
RECYCLING AND REUSE BILL, 2025**

ARRANGEMENT OF CLAUSES

Clause

PART I — PRELIMINARY

- 1—Short title.
- 2—Interpretation.
- 3—Objects of the Act.
- 4—Guiding principles.

**PART II — FUNCTIONS OF NATIONAL
GOVERNMENT AND COUNTY GOVERNMENTS**

- 5—Functions of the Cabinet Secretary.
- 6—Powers of the Cabinet Secretary.
- 7—Functions of the county executive committee member.

**PART III—COLLECTION TRANSPORTATION
AND RECYCLING OF E-WASTE**

- 8—Duty to safely dispose of E-waste.
- 9—Licensing of E-waste collectors.
- 10—Licensing of E-waste recyclers.
- 11—Duration of Licence.
- 12—Appeals.
- 13—Cancellation of licence.
- 14—Responsibilities of the e-waste collector.
- 15—Responsibilities of the e-waste recycler.

**PART IV—ESTABLISHMENT OF A NATIONAL E-
WASTE RECYCLING PLANT**

- 16—National E-waste recycling plant.
- 17—E-waste sorting site.
- 18—Ward consolidation site.
- 19—Standards and guidelines.

PART V—MISCELLANEOUS PROVISIONS

20—Regulations.

21—County Legislation

**THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING
AND REUSE BILL, 2025**

A Bill for

AN ACT of Parliament to provide a legal framework for environmentally sustainable disposal, recycling and reuse of e-waste; establishing the National E-Waste Recycling Plant; the e-waste sorting site and the ward consolidation site; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows —

1. This Act may be cited as the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025. Short title.

2. In this Act—

“Authority” means the National Environment Management Authority (NEMA) established under section 7 of the Environmental Management and Co-ordination Act; Interpretation.
Cap. 387.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to the environment;

“County Executive Committee Member” means the county executive committee member responsible for matters relating to the environment in the respective county; Cap 387C.

“e-waste” has the meaning assigned to it under section 2 of the Sustainable Waste Management Act;

“e-waste practitioner” means—

(a) an “e-waste collector” licenced under section 9 by the county to gather e-waste and transport it to the e-waste sorting and consolidation site in that county; and Cap 387.

(b) an “e-waste recycler” licensed under section 10 by the Cabinet Secretary to reclaim e-waste for further use as a product, raw material or input in the production of other goods;

“e-waste sorting site” means a site or premises designated by the county under section 17 of this Act for purposes of receiving, accumulating, depositing, storage and sorting of e-waste;

“National Environment Tribunal” means the National Environment Tribunal established under section 125(1) of the Environmental Management and Co-ordination Act;

“National e-waste Recycling Plant” means the plant established under section 16 of this Act;

“recycle” has the meaning assigned to it under section 2 of the Sustainable Waste Management Act;

“re-use” has the meaning assigned to it under section 2 of the Sustainable Waste Management Act; and

“ward consolidation site” means a site gazetted by the county government under section 18 of this Act.

3. The object of this Act is to—

Object of the Act.

- (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; and
- (c) create an enabling environment for employment in the green economy in e-waste management.

4. In implementing the Act, all persons shall be guided by the following principles—

Guiding principles.

- (a) promoting the right to a clean and healthy environment; and
- (b) zero waste principle in which e-waste is treated as a resource that can be harnessed for wealth creation, employment and the reduction of pollution.

PART II— FUNCTIONS OF THE NATIONAL GOVERNMENT AND COUNTY GOVERNMENTS

5. The Cabinet Secretary shall—

Functions of the Cabinet Secretary.

- (a) in consultation with the Council of County Governors, develop a policy on e-waste management;
- (b) classify e-waste;

- (c) co-ordinate adherence to international obligations with regards to e-waste management;
 - (d) in consultation with the Authority—
 - (i) develop strategies for proper e-waste disposal and management in the country; and
 - (ii) mobilise resources for financing of the e-waste management sector;
 - (e) develop standards and guidelines on health measures to be taken by an e-waste practitioner;
 - (f) in consultation with all relevant stakeholders, develop e-waste disposal strategies;
 - (g) conduct periodic reviews on the e-waste disposal strategies;
 - (h) monitor the whole value chain of e-waste management from collection to disposal and propose measures to ensure efficiency;
 - (i) license National E-waste Recycling Plants; and
 - (j) conduct e-waste public education and awareness.
- (2) In exercising the functions in subsection (1), the Cabinet Secretary may—
- (a) establish regional and international partnerships in e-waste management; and
 - (b) participate in regional and global initiatives for better e-waste management.

6. The Cabinet Secretary shall have all the powers necessary for the proper performance of their functions under this Act and in particular, but without prejudice to the generality of the foregoing, the Cabinet Secretary shall have power to—

Powers of the
Cabinet Secretary.

- (a) determine, impose and levy rates, charges, dues or fees for any services performed under this Act, or for the grant, renewal or validation of a licence, permit or certificate;
- (b) manage, control and administer assets in such manner and for such purposes as best promotes the purposes of the Act;
- (c) receive gifts, grants, donations or endowments made for purposes of this Act and make

disbursements therefrom in accordance with the provision of this Act;

- (d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to finance, invest any of the funds not immediately required for purpose of this Act, as it may determine; and

- (e) open a bank account into which all moneys received shall be paid in the first instance and out of which all payments shall be made.

7. (1) Each county executive committee member shall—

Functions of
County Executive
Committee
Member.

- (a) advise the governor on National government policies and strategies for proper e-waste disposal and management in the county;
- (b) prepare a county e-waste management plan and allocate funds necessary for the provision of e-waste management in county budgets;
- (c) establish an e-waste sorting site in each county;
- (d) establish ward consolidation sites in each ward where residents can drop off their electronic waste;
- (e) prepare a quarterly monitoring report on e-waste management in the county and submit it to the Authority and the county assembly;
- (f) create an inter-county transportation and disposal framework;
- (g) register and licence e-waste collectors operating in the county;
- (h) maintain an up-to-date register of all e-waste collectors;
- (i) in collaboration with law enforcement agencies, enforce national and county legislation on e-waste management;
- (j) inspect e-waste sorting sites;
- (k) maintain data on e-waste management service provision by e-waste collectors and share the information at least once in each year through the

Cap 387C.

national waste information system established under the Sustainable Waste Management Act;

- (l) implement standards and guidelines on health measures to be considered when handling e-waste;
- (m) monitor e-waste collection and disposal strategy in the County and develop modalities to mitigate any shortcomings; and
- (n) conduct e-waste public education and awareness.

PART III —COLLECTION, TRANSPORTATION AND RECYCLING OF E-WASTE

8. (1) A person who generates e-waste in Kenya shall dispose of the e-waste at the designated ward consolidation site within the respective wards in the county.

Duty to safely dispose of e-waste.

(2) A person who does not manage e-waste in accordance with subsection (1) commits an offence and shall, on conviction, be liable to a fine not exceeding twenty thousand Kenya Shilling or imprisonment for a term not exceeding six months or both.

9. (1) A person shall not operate as an e-waste collector they have applied for and obtained a licence from the respective county government in which the business is to be undertaken.

Licensing of e-waste collectors.

(2) An applicant for a licence under subsection (1) shall submit an application in the prescribed form together with the prescribed fees to the respective county executive committee member for consideration.

(3) The county executive committee member may consider the application within such period as may be prescribed in the respective county legislation, and may—

- (a) grant an applicant a conditional or unconditional licence; or
- (b) reject the application;

(4) The county executive committee member shall inform the applicant of its decision under subsection (4) within fourteen days of the decision.

(5) Where the county executive committee member refuses to grant an application, the county executive

committee member shall, in its notification under subsection (4), specify the reason for the refusal.

(6) A licence issued under this section is not transferable.

(7) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.

10. (1) A person shall not operate as an e-waste recycler unless they have applied for and obtained a licence from the Cabinet Secretary.

Licensing of e-waste recyclers.

(2) An applicant for a licence under subsection (1) shall submit an application in the prescribed form together with the prescribed fees to the Cabinet Secretary for consideration.

(3) The Cabinet Secretary may consider the application within such period as may be prescribed in the Regulations, and may—

(a) grant an applicant a conditional or unconditional licence; or

(b) reject the application.

(4) The Cabinet Secretary shall inform the applicant of its decision under subsection (4) within fourteen days of the decision.

(5) Where the Cabinet Secretary refuses to grant an application, the Cabinet Secretary shall, in its notification under subsection (4), specify the reason for the refusal.

(6) A licence issued under this section is not transferable.

(7) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.

11. A licence issued under this Act shall be in the prescribed form and shall be valid for a period of one year.

Duration of licence.

12. Where an applicant or a licensee is dissatisfied with the decision of the Cabinet Secretary or the county

Appeals.

executive committee member not to issue a licence or to cancel a licence under this Act, the applicant may make an application for judicial review to a court of competent jurisdiction within thirty days of the decision.

13. The Cabinet Secretary or the county executive committee member may cancel a licence if the licensee—

Cancellation of licence.

- (a) fails to meet any condition imposed by the Cabinet Secretary or the county executive committee member;
- (b) fails to comply with the provisions of this Act or the regulations hereunder; and
- (c) surrenders the licence to the Cabinet Secretary or the county executive committee member together with a notice setting out a request that the licence be cancelled.

14. (1) An e-waste collector shall handle e-waste in the prescribed manner.

Responsibilities of the e-waste collector.

(2) An e-waste collector shall deliver e-waste collected from the ward consolidation sites to a designated e-waste sorting site or to the National e-waste recycling plant.

(3) An e-waste collector who fails to handle or manage waste in accordance with this Act commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term of six months or both

15. (1) An e-waste recycler shall reclaim e-waste from National e-waste recycling plant in the prescribed manner.

Responsibilities of the e-waste recycler.

(2) An e-waste recycler who fails to handle or manage e-waste in accordance with this Act commits an offence and shall, on conviction, be liable to 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

16. (1) The Cabinet Secretary in consultation with the Authority, may establish a National E-waste Recycling Plant by notice in the *Gazette*.

National e-waste recycling plant.

(2) A declaration of the National E-waste Recycling Plant under subsection (1) shall—

- (a) define the geographical area of the plant to be no less than thirty acres; and
- (b) the buffer zone of the recycling plant to be no less than a five acre radius.

(3) The plant shall be a designated area where recycling of e-waste materials shall be done.

(4) The land may be alienated for use of recycling e-waste to e-waste recyclers within the plant.

17. (1) The Governor on the recommendation of the respective county executive committee member, may establish an e-waste sorting site by notice in the *Gazette*.

E-waste sorting site.

(2) A declaration of an e-waste sorting site under subsection (1) shall define—

- (a) the geographical area of the site to be no less than five acres; and
- (b) the buffer zone of the recycling plant to be no less than a than two acre radius.

18. The Governor on the recommendation of the respective county executive committee member, may establish a ward consolidation site by notice in the *Gazette*.

Ward consolidation site.

(2) A declaration of a ward consolidation site under subsection (1) shall define—

- (a) the geographical area of the site to be no less than one (1) acre; and
- (b) the buffer zone of the recycling plant to be no less than a one (1) acre radius.

19. The Cabinet Secretary in consultation with the Authority and the Council of County Governors, may prescribe the standards, guidelines and requirements for the establishment of the National E-waste Recycling Plant, the E-waste sorting site and the ward consolidation site.

Standards and guidelines.

PART V—MISCELLANEOUS PROVISIONS

20. (1) The Cabinet Secretary shall, in consultation with the Council of County Governors, make regulations prescribing—

Regulations

- (a) the procedures for safe and sustainable e-waste management;
- (b) the expansion of the market for recycled e-waste products and incentives to expand the market for pre-consumer and post-consumer recycled e-waste products through incentives, government procurement preferences and other policies; and
- (c) the promotion of health, safety and environmental standards including —
 - (i) labour and health standards for e-waste collectors;
 - (ii) operational standards for e-waste sorting sites and ward consolidation sites; and
 - (iii) the classification of e-waste.

(2) Notwithstanding the generality of subsection (1), the Cabinet Secretary in consultation with the Council of County Governors, may prescribe regulations for the better carrying out of the provisions of this Act.

21. The county government may enact county specific legislation setting out the framework for e- waste management in the county.

County
Legislation.

MEMORANDUM OF OBJECTS AND REASONS

Statement of the Objects and Reasons

Kenya generates an average of three thousand tonnes of e-waste annually that is mixed with ordinary waste in landfills (Waste Electrical and Electronic Equipment Centre (WEEE Centre). According to the World Health Organisation, e-waste is considered hazardous waste, a threat to the environment and to human health if not treated, disposed of and recycled appropriately since it can release up to one thousand different chemicals and substances in to the environment including harmful neuro-toxicants such as lead, dioxins and mercury.

Due to the grave implications that mishandling of E-waste is likely to have on both the environment and eventually the health and life of the citizen, it is paramount that a legal framework is put in place to provide for the safe, regulated handling and disposal of E-waste as part of enhancing the constitutional rights to a clean and healthy environment contained in Article 42 as well as ensuring the state has carried out its obligations encapsulated under Article 69(1).

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

The Bill does not limit fundamental rights and freedoms.

Statement on how the Bill concerns county governments

The proposed Bill concerns county governments in terms of Article 110(1)(a) as it concerns disposal and recycling of e-waste which is a form of solid waste. Paragraph 2(f) of Part 2 of the Fourth Schedule to the Constitution mandates county governments to provide for county health services and in particular refuse removal, refuse dumps and solid waste disposal.

Statement that the Bill is not a money Bill, within the meaning of Article 114 of the Constitution

The Bill is not a money Bill within the meaning of Article 114 of the Constitution.

Dated the 17th April, 2025.

PERIS TOBIKO,
Senator.

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT – FOURTH SESSION (2025) THE SENATE

INVITATION TO SUBMIT MEMORANDA

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

The **Electronic Equipment Disposal, Recycling and Reuse Bill 2025 (Senate Bills No. 5 of 2025)** was read a First Time in the Senate on Tuesday, 23rd September, 2025 and thereafter stood committed to the Standing Committee on Information, Communication and Technology for consideration. The Committee is required, under Standing Order 145(5) of the Senate Standing Orders, to facilitate public participation on the Bill and to take into account the views and recommendations of the public when the Committee makes its report to the Senate.

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

In accordance with the provisions of Article 118 of the Constitution and standing order 145 (5) of the Senate Standing Orders, the Standing Committee on Information, Communication and Technology now invites interested members of the public to submit any representations they may have on the Bill by way of written memoranda.

The memoranda may be submitted to the Clerk of the Senate, P. O. Box 41842-00100, Nairobi, hand-delivered to the Office of the Clerk of the Senate, Main Parliament Buildings, Nairobi or emailed to clerk.senate@parliament.go.ke and copied to ictcommittee.senate@parliament.go.ke to be received on or before **Tuesday, 21st October, 2025 at 5.00 p.m.**

The Bill and a digest that summarizes the contents and context of the Bill may be accessed on the Parliament website at <http://www.parliament.go.ke/the-senate/-house-business/bills>.

**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE**

REPUBLIC OF KENYA



THIRTEENTH PARLIAMENT | FOURTH SESSION

THE SENATE

INVITATION FOR SUBMISSION OF MEMORANDA

THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025 [SENATE BILLS NO.5 OF 2025]

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**J. M. NYEGENYE, CBS,
CLERK OF THE SENATE.**



13TH PARLIAMENT | FIFTH SESSION
THE SENATE

STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY

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

CLAUSE	STAKEHOLDER	PROPOSED AMENDMENT	JUSTIFICATION	COMMITTEE RESOLUTION
Part 1 Short Title Interpretation	Ministry of Environment, Climate Change and Forestry	Amend to change the title to explicitly prioritize EEE product lifecycle activities, e.g. “Electrical and Electronic Equipment Refurbishment/Repair, Reuse, Recycling, Waste Recovery and Disposal Bill, 2025”	The core legal concept is the waste hierarchy, where Reuse is for EEE (the product) and Recycling is for E-Waste (the material). The proposed title enforces the hierarchy’s priority.	Amend Long title instead. The purpose of a short title is brevity for purposes of reference and citation. The long title however communicates the scope and o objects of the bill in a longer format and therefore I suggest that we amend the long title to reflect the entire product lifecycle of electronic and electrical waste.

Part 1	National Environmental Management Authority (NEMA)	Amend the title to include all EEE Products-- “Electrical and Electronic Equipment”	The proposed amendment shall ensure comprehensive coverage of all electrical and electronic equipment.	Not acceptable. The Bill makes reference to the definition of e-waste under the Sustainable Waste Management Act which defines e-waste as electrical and electronic equipment. This therefore ensures comprehensive coverage as raised by the stakeholder
Long Title	Ministry of Environment, Climate Change and Forestry	Amend 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”	To align with the above proposed change on the short title.	Agreeable to cover the entire lifecycle of electrical and electronic waste Reuse, refurbishment, repair and recycling. The lifecycle of an electrical and electronic product is design, raw material extraction, manufacturing, distribution, usage, and end-of-life management (collection, dismantling, recycling, or disposal).
Clause 2 Interpretation	Ministry of Environment, Climate Change and Forestry	Define the words “Refurbish, repair, recovery” following the proposed amendment to the title.	To align with the proposed amendments to the short and long title.	Agreeable in order to encompass the entire end of life cycle.

Clause 2 Interpretation	National Environmental Management Authority (NEMA)	Amend the definition of “e-waste” collector by deleting the words “licenced by the County” and substituting with “licenced by the Authority”	E- Waste is hazardous and is not regulated by the counties. NEMA is already issuing licenses to transport all forms of waste as provided in EMCA and SWMA and Wasted Management Regulations, 2024. Licensing at counties will be duplication of licenses.	Not Agreeable Section 8 of the SWMA sets out the NEMA shall issue licenses for waste management activities, save for where counties have jurisdiction. Section 8 of the SWMA acknoweldges the constitutional autonomy that counties have pursuant to part 2 of the fourth schedule in trade licensing and county public sanitation services. Trade licences and county public sanitation services are a fully devolved function.
Clause 2 (b)	National Environmental Management Authority (NEMA)	Amend the definition of e-waste recycler’ by substituting the words “Cabinet Secretary” with the “Authority” .	Licensing of recyclers is already provided for under EMCA, SWMA and the Waste Management Regulations 2024. The mandate has been given to NEMA under these laws.	Agreeable
Clause 2 (b)	National Environmental Management	Amend the definition of “e-waste sorting site” by adding the following	This will guarantee environmental safety and will further align with NEMA	Maintain the clause. Section 9 (2) (l) of EMCA sets out that

	Authority (NEMA)	words “subject to approval by Authority”	requirements on having an Environmental Impact Assessment License for all project, prevents local decisions that compromise national standards.	NEMA shall monitor and assess activities including activities being carried out by relevant lead agencies (including local authorities) to ensure that the environment is not degraded by such activities and environmental management objectives are adhered to. While counties will be in charge of identifying and administering e-waste sorting sites, the involvement of NEMA in undertaking environmental impact assessments will be necessary in order to ensure minimal negative effects on the environment. This will also enable the county to leverage and benefit from the expertise in the Authority to ensure that the sorting sites are identified and administered using proper environmental practices. This will also ensure compliance with the EIA requirements for such projects.
Clause 2 (b)	National Environmental Management Authority (NEMA)	Amend the Definition of “Ward Consolidation Site” by deleting the words “Ward Consolidation Site and substituting with the words “Waste Transfer Station’	Ward Consolidation sites are an equivalent to “Waste Transfer Stations” under EMCA.	Not agreeable. It is necessary to maintain the nomenclature and use of the word “ward” for clarity. This is because the bill seeks to implement e-waste management up to the smallest devolved unit and the use of the word “Ward is necessary” The word transfer station has only been

				mentioned once in the SWMA under the definition of a waste management facility. The term does not adequately represent the intention of the waste consolidation sites which operates more than a transfer stations. Both words do not have an equivalent meaning.
Clause 2 (b)	National Environmental Management Authority (NEMA)	The Authority should approve the site prior to gazettelement by the County.	The requirement for gazettelement by the county will duplicate roles. Approval by NEMA guarantees environmental safety and ensures alignment with EMCA requirements on Environmental Impact Licence for all projects. This will further prevent local decisions that compromise national standards.	Not acceptable. The Sustainable Waste Management Act, gives counties the powers to set up their waste management infrastructure which is a devolved function and therefore does not need the approval of NEMA.
Clause 2	Nuclear Power and Energy Agency	Amend the definition of 'e-waste' to reflect the definition under the sustainable waste management Act and to further expressly exclude electronic equipment, that is radioactive, irradiated or contaminated with	Electronic equipment used in nuclear installations, radiological laboratories and medical radiation facilities may become radioactively contaminated and should not be classified or managed as ordinary e-waste.	The Bill in defining e-waste, makes reference to the definition in the sustainable waste management Act. Amend the Bill by inserting a clause to include the exclusion of radioactive, irradiated or contaminated nuclear or radiological material.

		nuclear or radiological material.		
Clause 3 Objects of the Act	Ministry of Environment, Climate Change and Forestry	Amend 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.	EPR is the core mandatory mechanism under SWMA CAP. 387C Section 13 and the EPR Regulations 2024 (Reg.4)	Agreeable. More specifically enforcing Extended Producer Responsibility in Counties.
Clause 3 Objects of the Act	Ministry of Environment, Climate Change and Forestry	Rearrange (a) to start with reuse, refurbish/repair, disposal, recover recycling	EPR is the core mandatory mechanism under SWMA CAP. 387C Section 13 and the EPR Regulations 2024 (Reg.4).	Agreeable in order to reflect the post use life cycle of electrical and electronic waste
Clause 3 Objects of the Act	Ministry of Environment, Climate Change and Forestry	Amend to read— “Safeguard health of all Kenyans and protect the environment by ensuring proper collection and disposal of e-waste”	E-waste management safeguards health and does not improve it. Inclusion of the environment is further necessary.	Acceptable
Clause 3 Objects of the Act	Nuclear Power and Energy Agency	The Clause should make reference to the mandate of the KNRA in ensuring nuclear safety and radiation protection in	The Bill does not recognize the improper handling of nuclear related electronic waste and this poses risk beyond conventional environmental harm including	Amend the Bill by including a clause excluding nuclear /radiocative waste from the application of the Bill and referencing the provisions of the Nuclear Regulatory Act.

		order to ensure that the objective of public health protection is not undermined by misclassification of nuclear related waste	long term radiological exposure	
Clause 4 Guiding Principles	Ministry of Environment, Climate Change and Forestry	Amend to include “Polluter pays principle” the “Zero Waste Principle” and the principle of “Prioritizing 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 EPR system.	Agreeable. Zero Waste Principle is already included Add Polluter Pays Principle.
Clause 4 (a) and (b) Guiding Principles	Ministry of Environment, Climate Change and Forestry	Amend to add more Guiding Principles and more specifically the Polluter Pays Principle and the Precautionary Principle.	To uphold the principles of Extended Producer Responsibility and protections of the environment and public health in the face of uncertainty.	Agreeable. Add both.
Clause 4 Guiding Principles	Ministry of Environment, Climate Change and Forestry	Amend to include the guiding principle of Prioritizing 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.	Agreeable
Clause 4	National Environment	Amend by adding the following two guiding	This will ensure the addition of the Polluter Pays Principle and	Agreeable. Article 42- Right to a clean environment.

Guiding Principles	Management Authority.	principles (a) Right to a clean environment (b) Zero Waste Principle	principal of circularity (the EPR regulations takes care of these principles)	Zero Waste Principle is already included.
Clause 5 (i) Functions of the Cabinet Secretary	Ministry of Environment, Climate Change and Forestry	Licence E-Waste Recycling Plant	The National Plant has already been licensed under the Bill, THEREFORE no need to licence it. The Bill should however enable the Cabinet Secretary to license other plants which are not necessarily national.	Not agreeable. The devolved structure under the Bill envisions the National Recycling Plant being licensed by the CS and sorting and consolidation sites in counties. Pursuant to Section 9 () of the SWMA where counties have jurisdiction, they shall licen
Clause 5 (d), (i) and (f)	Ministry of Environment, Climate Change and Forestry	Delete function 5(d)(i) and retain 5(f)	Clause 5(a)(i) is a repetition of 5 (f). It is also important to consult all the relevant stakeholders and not just the authority.	Not agreeable. The two paragraphs have distinct provisions and are not repetitions.
Clause 5	NEMA	Amend the Clause to reflect that the Cabinet Secretary formulates policy while NEMA retains regulatory, licensing, oversight, classification and compliance functions	This will enable NEMA to regulate all waste streams including e-waste. The Bill cannot reassign statutory powers already defined under EMCA.	Agreeable
Clause 5 (c-j)	NEMA	Amend the section to read "functions of the	The functions in this clause are already being undertaken by the	Agreeable

		Authority". The functions are already being undertaken by the Authority as provided for in Section 9 of EMCA.	Authority under EMCA.	
Clause 5	COG	Delete Clause entirely	This is an attempt to claw back on the provisions of part 2 of the fourth schedule of the constitution and Section 17 of the Sustainable Waste Management Act in which counties are mandated to establish waste recovery and recycling facilities. The National Govt. Singular mandate is policy making and capacity building	Not agreeable. These are functions vested in NEMA under EMCA and will apply to recycling of e-waste activities at national level.
Clause 5 (b)	Nuclear Power and Energy Agency	Amend the clause to provide for consultation with the National Nuclear and Radiation Regulatory Authority when classifying e-waste particularly where equipment originates from nuclear or radiological activities.	The Bill does not provide for radioactive electronic components and without the involvement of the National Nuclear and Radiation Regulatory Authority, this could lead to harmful exposure to the public.	Amend the Bill by including a clause excluding nuclear /radiocative waste from the application of the Bill and referencing the provisions of the Nuclear Regulatory Act
Clause 5 (i)	Bopinc	This licensing function falls under NEMA	Consolidating licensing under NEMA prevents overlap and	Accepted.

		Sustainable Waste Management Act (2022).	strengthens enforcement under existing environmental laws.	
Clause 6 Powers of the Cabinet Secretary	Ministry of Environment, Climate Change and Forestry	Transfer the Operational Powers to the National Environmental Management Authority.	Operational work is too detailed for a Cabinet Secretary and is a statutory function of NEMA under the SWMA (2022), Section 8(1)(b) to ensure unified regulatory oversight.	Accepted. Amend Clause 6 to transfer operative functions to NEMA and maintain policy making under the mandate of the CS.
Clause 6 Powers of the Cabinet Secretary	COG	Delete Clause 6(a)(d) and (e) entirely	These provisions are clawing back on devolution. The National Government's singular role is policy making. The Cabinet Secretary does not have the mandate to impose rates, fees and charges including licensing and investing such monies collected and opening accounts for the same.	Accept. Amend the Clause by setting out that the CS 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 6 Powers of the Cabinet Secretary	Bopinc	Transfer the function of imposing any environmental levy to the National Environment Management Authority (NEMA).	Imposing and administering environmental levies falls within the mandate of NEMA under EMCA. This ensures coherence and avoids duplication.	Accepted.
Clause 6	Bopinc	Clarify whether this	Ring-fencing promotes	This is in line with the powers of the

Powers of the Cabinet Secretary		account aligns with the Public Finance Management Act and maintain the principle of ring-fencing Funds for e-waste management	accountability but must align with national public finance laws to ensure transparency and oversight.	Authority under EMCA.
Clause 7 (f) Functions of the County Executive Committee Member	Ministry of Environment, Climate Change and Forestry	Amend introductory paragraph to include “in collaboration, create and inter-county....”	Inter-county collaboration is required.	Accepted. Amend the clause to set out that the Council of Governors shall establish an inter-county waste transportation and disposal framework that will be observed by Counties in the transportation and disposal of waste between counties.
Clause 7 (g) Functions of the County Executive Committee Member	Ministry of Environment, Climate Change and Forestry	Delete the Clause.	Licensing should be undertaken by the National Environmental Management Authority (NEMA) for ease of data collection and supervision.	Not Acceptable. Part 2 of the Fourth Schedule to the Constitution provides that Trade Licensing and Public Sanitation Services are devolved functions therefore counties can license e-waste collectors in a county. Section 9 and 19 of the SWMA further sets out that where counties have jurisdiction, licensing shall be done by

				counties.
Clause 7 (i) Functions of the County Executive Committee Member	Ministry of Environment, Climate Change and Forestry	Amend the Clause to ensure that the CEC is only enforcing county legislation and not national legislation.	The CEC should only be responsible for enforcing county legislation and not national legislation.	Not Acceptable. Article 183 (1) (b) of the Constitution provides that the CEC shall implement within the county , national legislation to the extent that the legislation requires. Committee to instead amend the clause to set out that the CEC shall implement national legislation to the extent that the legislation requires implementation in counties.
Clause 7 (l) Functions of the County Executive Committee member	Ministry of Environment, Climate Change and Forestry	Amend the clause to read "health and safety measures...."	N/A	Acceptable.
Clause 7 Functions of the County Executive Committee	NEMA	Amend the Clause to require dual compliance; counties issue business licences; NEMA	E-waste contains hazardous components that may require management that goes beyond Kenyan territory i.e., as per	Not Acceptable. Waste Management and Trade Licensing

member		licenses/approve waste handlers under EMCA/SWMA including the collectors and the consolidation sites	international environmental agreements. Regulation of the same to remain a national function.	are fully devolved functions.
Clause 7	COG	Amend Clauses 7(b), (c) and (d) as follows (b) Integrate e waste management within the county sustainable management plan and ensure that budget allocations for e waste are incorporated within the overall county waste management budget framework (c) establish an e-waste sorting site within material recovery facilities in each county (d) Establish ward consolidation sites wards where residents can drop off their electronic waste Amend to include a new paragraph as follows	The Sustainable waste management Act establishes a unified framework for all waste streams including electronic waste. Integrating e-waste within the county's broader sustainable waste management planning and budgeting processes promotes coherence and prevents fragmentation. Paragraph (c) sets out a heavy responsibility on counties that will require significant capital investment. Land acquisition and recurrent operational costs. It is therefore necessary to transfer resources for all devolved functions to counties to ensure implementation. Under Paragraph d, we recommend that counties cluster their wards in establishing the ward consolidation sites in order	Not Acceptable.

		(n) determine, impose and levy charges, dues or fees for any services performed under the Act, or for the grant, renewal or validation of a licence permit or certificate.	to maximize efficient use of resources. A consolidation site in each ward will pose huge logistical and resource challenges. The proposed paragraph (n) will ensure that the CEC will be granted the power to levy rates and any related charges in order to operationalize waste management in the county.	
Clause 8 Duty to safely dispose of E-Waste	Ministry of Environment, Climate Change and Forestry	Amend to introduce a new subsection (2) placing the primary financial and organizational 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.	To enforce the core mandate of the EPR legislation, shifting the burden from the public/consumer to the producer in alignment to the SWMA (Section 13(1))	Amendment Accepted.
Clause 8 Duty to safely dispose of E-Waste	NEMA	Amend the clause to integrate EPR obligations. Generators must dispose through approved EPR systems where applicable.	EPR Regulations already govern producer obligations of e-waste. This will eliminate a conflict of responsibilities.	Amendment Acceptable. Amend Clause 8 to integrate EPR Regulations by requiring that waste generators shall dispose off their waste using approved EPR systems where applicable.

Clause 9 (i) Licensing of E-Waste .	Ministry of Environment, Climate Change and Forestry	Amend to include the word “unless” after the word collector and before the word “they”	Typographical error in which a word has been omitted.	Amendment Acceptable.
Clause 9 (i) Licensing of E-Waste	Bopinc.	Correct the typographical error to accurately state the intended condition. Delete the word ‘not’.	The error provides the interpretation that a person shall not operate even with a license.	Amendment not accepted.
Clause 10 Licensing of E-Waste Recyclers	NEMA	Amend the clause so that the licensing function to the National E- Waste Recycling Plant shall be licensed by NEMA under EMCA and relevant waste regulations.	This function is vested in NEMA under EMCA.	Amendment Acceptable.
Clause 10 Licensing of E-Waste Recyclers	Ministry of Environment, Climate Change and Forestry	Amend 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. This will ensure unified regulatory oversight in alignment with the SWMA Section 8 (1)(b)	Acceptable
Clause 10 Licensing of E-Waste Recyclers	COG	Delete the Clause entirely.	This is an attempt to claw back on the exclusive devolved function of refuse removal, refuse dumps and solid waste	Amendment Not acceptable.

			disposal mandated to counties under part 2 of the Fourth Schedule to the Constitution. Section 17 (b) of the sustainable waste management act further mandates counties to establish waste recovery and recycling facilities. The National Government's mandate is policy making	
Nuclear Power and Energy Agency	Nuclear Power and Energy Agency	Amend the clause to expressly provide that the National E-Waste recycling plant shall not receive, process or recycle radioactive electrical / electronic waste except in compliance with the nuclear waste management laws and under the supervision of the Nuclear Authority	The Bill does not clarify whether the National E-Waste recycling plant may handle electronic waste arising from nuclear or radiological facilities and this may lead to improper handling and long term exposure to radioactive waste.	Amendment Accepted. Insert Clause in the Bill excluding radioactive and nuclear waste from the application of the Bill.
Clause 11 Mandatory License Duration	Ministry of Environment, Climate Change and Forestry	Amend to set the license duration at ten years. This is for purposes of investment certainty. This should be supplemented with a requirement to issue an annual	This will balance the need for long term private sector investment and NEMA's duty to monitor environmental standards yearly.	Not acceptable. 10 years is an extremely long period of time. The requirement for annual licensing is to ensure that e-waste collectors and re-cyclers consistently comply with the county SWM frameworks and other applicable laws.

		compliance certificate based on NEMA inspection.		Licensing is also a critical source of own source revenue for counties and therefore annual licensing will enable counties to raise revenue to support sustainable waste management practices in counties.
Clause 11 (1) Duration of License.	Ministry of Environment, Climate Change and Forestry	Amend to set out that – “A license issued will be subject to issuance of an annual compliance certificate”	The annual compliance will ensure that the facility is inspected and meets standards.	Proposed amendment does not match the provisions of the clause.
Clause 12 Appeals	NEMA	Amend the Clause to align with EMCA and SWMA, to direct appeals to the National Environmental Tribunal rather than judicial review	The clause is creating legal uncertainty and conflict with existing tribunals, undermining enforcement and consistency. The proposed amendment will ensure consistency with existing environmental and waste management legal frameworks.	Amendment not acceptable. The jurisdiction of the National Environmental Tribunal is limited to licenses issued by NEMA. County licenses cannot be subjected to the tribunal established under EMCA
Clause 13 Cancellation of License	Ministry of Environment, Climate Change and Forestry	Amend to transfer the function to NEMA.	The body that issues a licence must be the one responsible for its revocation and cancellation.	Amendment Accepted.

Clause 14 Responsibilities of the e-waste Collector	COG	Amend to read as follows: (i) An e-waste collector shall handle waste in the prescribed manner (ii) An e-waste collector shall deliver e-waste collection from the ward consolidated sites to a designated e-waste sorting site	This is to align with the provisions of Section 17 (b) of the Sustainable Waste Management Act, Cap 387 (c)	Amendment not accepted. Consolidated E-Waste can be delivered either to an e-wasting sorting site or the National Re-Cycling Plant as set out in the Bill
Clause 14 and 15 Responsibilities of the e-waste Collector	Bopinc	Reduce the fine to KSh 5,000 – 10,000. This should deter the informal e-waste collector to comply without pushing them out of the sector. Waste collectors play a significant role in the collection and sorting of waste in Kenya.	The current fine is disproportionate to the average income of informal e-waste collectors (KSh 2,500 daily). Lower fines to promote compliance, reduce corruption, and sustain inclusion of informal actors	Not accepted.
Clause 14 and 15 Responsibilities	NEMA	Amend the clause to align the penalties with those in SWMA and EMCA to	The penalties are too low and do not reflect the hazardous nature of e-waste, SWMA penalties are	Not Accepted.

of the e-waste Collector		enhance deterrence.	much higher. This is for harmonisation and consistency and for strengthening enforcement.	
Clause 16,17 and 18 Establishment of Facilities	Ministry of Environment, Climate Change and Forestry	Amend 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 must be financed primarily by EPR fees	This will guarantee a sustainable dedicated funding stream as required by the Polluter Pays Principle and the national financial framework. The EPR 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.	Amend Clause to provide that the NEMA shall direct the use of EPR fees to the running of National E-Waste Recycling Plant. Counties sorting and consolidation sites shall be financed from the SWM Budget in counties.
Clause 16,17 and 18 Establishment of Facilities	Ministry of Environment, Climate Change and Forestry	Amend to add a subsection requiring that the establishment of these facilities must adhere to public consultation requirements under SWMA.	This will uphold the constitutional principle of public participation in governance and to ensure local community buy-in for environmental projects.	Amendment to provide Conditional Allocation, EPR fees to counties
Clause 16,17 and 18 Establishment of Facilities	Ministry of Environment, Climate Change and Forestry	Amend to add a new subsection requiring that the capital and operational costs of these facilities must be financed primarily by EPR Fees remitted by registered PROs.	This will ensure a sustainable dedicated funding stream through the Polluter Pays Principle as mandated by the EPR Regulations (2024), Regulations 5(1) and (6).	Counties sorting and consolidation sites shall be financed from the SWM Budget in counties. Amendment to provide Conditional Allocation, EPR fees to counties .

Clause 16 National e-waste recycling plant	COG	Delete the clause entirely and substitute with the following provision 16 (1) The county governments may individually or jointly, enter into inter-county agreements for the establishment and operation of regional e-waste recycling plant. 16(2) The e-waste recycling plant under sub-section (1) shall (a) Define the geographical area of the plant to be no less than thirty acres; and (b) Buffer zone of the recycling plant to be no less than a five acre radius. (3) The plant shall be a designated area where recycling of e-waste materials shall be done. (4) The land may be alienated for use of recycling e-waste to e-waste recyclers within the	This provision claws back on devolution contrary to section 17(b) of the Sustainable Waste Management Act that mandates counties to establish recycling facilities. The County Government may undertake a joint regional e-waste plant for coordinated investment in accordance with article 189 of the constitution and the Intergovernmental relations act. A national e-waste recycling plant risks centralizing a devolved function and undermines the autonomy of counties in planning, regulating and implementing waste management services within their jurisdiction.	
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		plant.		
Clause 16	NEMA	Amend the Bill to read that the “size shall be guided by technical assessment and NEMA standards.’	The clause is too prescriptive. Land availability and cost may hinder implementation.	Acceptable
Clause 16	NEMA	Amend clause to allow for multiple NEMA licensed e-waste plants (public or private) that meet prescribed standards	The Bill seems to create one central e-waste recycling plant, potentially creating a monopoly and contradicting SWMA which promotes county and private sector waste facilities.	Not acceptable Clause 16 (4) provides that e-waste recyclers shall be allocated space in the National plant and that NEMA shall inspect and monitor for compliance with EMCA standards.
Clause 17 and 18	NEMA	Amend the clause to allow flexibility and require NEMA approved siting guidelines rather than fixed acreage.	The clause may be impractical and unfunded. SWMA requires waste facilities to meet national standards but leaves size and design to regulations.	Amend Clause to provide that Counties shall determine the acreage for the consolidation and sorting sites depending on the County Land Use Plan and waste management needs of the county.
Clause 19 Standards and Guidelines	Nuclear Power and Energy Agency	Amend the clause to set out that the standards and guidelines shall take into account nuclear safety, radiation protection and international nuclear obligations, particularly where electronic equipment is used in nuclear or radiological contexts and should be developed in consultation with the Nuclear Authority	The absence of mandatory alignment with nuclear safety standards could lead to regulatory inconsistency.	Amend Bill to provide that nuclear/radioactive e-waste shall be handled in accordance with the provisions of the Nuclear Regulatory Act.

Clause 20 Transboundary Movement Control	Ministry of Environment, Climate Change and Forestry	Amend 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.	This will prevent Kenya from becoming a dumping ground for global hazardous e-waste and to ensure compliance with international hazardous waste conventions.	Acceptable. Further include a provision in which the CS for treasury in consultation with CS for Environment and Finance shall establish regulations for imports and exports of E-waste.
Clause 20 Transboundary Movement Control	Nuclear Power and Energy Agency	Amend the clause to expressly provide for: (a) Exclusion of radioactive electronic equipment from the e-waste stream (b) Provide for mandatory referral of such waste to the appropriate nuclear waste management regime	This clause provides an opportunity to clearly demarcate the boundary between e-waste regulation and nuclear waste regulation.	Amend Bill to provide that nuclear/radioactive e-waste shall be handled in accordance with the provisions of the Nuclear Regulatory Act.
Clause 21	NEMA	insert clause requiring county laws to conform with EMCA, SWMA and national waste regulations.	There is no requirement for the counties to align with national waste laws/regulations. This will ensure coherence of devolved legislation with national standards	Amend Clause 7 (1) to provide that the CEC shall implement national legislation to the extent that the legislation requires implementation in counties pursuant to Article 183 (1) (b) of the Constitution.

General Comments

WEEE CENTER

1. There are Key areas of alignment and conflict between the SWMA 2022, the EPR Regulations 2-24 and the Bill as follows—

- a) Core principle- Conflict will arise when state run facilities under the Bill compete with the already existing producer funded EPR system therefore undermining private investment
- b) Producer Compliance - The Bill must explicitly uphold the producer choice of IEPR or CEPR to remain consistent with the SWMA
- c) Licensing Authority- There is overlap and fragmentation of regulating authorities therefore causing an administrative burden for private sector actors. It is recommended that NEMA should be the principal licensing authority and the county government role be limited to local operational permits.
- d) Infrastructure ownership -The Bill should mandate private sector led investment and allow independent establishment and management of facilities by any private investor to foster competition and innovation.
- e) Land Buffer Requirements – Fixed, prescriptive requirements hinder private investment and operational flexibility. Requirements must be based on ESM standards and site-specific EIA, avoiding arbitrary numerical barriers.
- f) Residual Waste – The Bill can offer an incentive by proposing joint establishment of Regional Residual Treatment facilities in collaboration with the private sector, county governments and the national government.
- g) Waste Hierarchy – Strengthen provisions that incentivize the Reuse and Refurbishment Sector to maximize resource value and adhere to the hierarchy.

2. Recommendation to promote private sector operations and regional diversity by—

- (a) Explicitly allowing licensed private recyclers to operate across all counties, preventing regional monopolies and encouraging competition.
- (b) Supporting regional recycling facilities developed by private investors instead of having one national recycling plant.
- (c) Replacing prescriptive government planning with measurable performance standards such as collection and recycling targets, traceability requirements and environmentally sound management benchmarks.

3. Proposal to redefine the role of the National E-Waste Recycling Facility by—

- (a) Limiting the National Facility to residual waste such as problematic fractions or hazardous residual waster that are uneconomical or technically difficult for private recyclers to process (e.g., CRT glass, heavy metals and composite plastics)
- (b) Having a cost sharing model (joint financing mechanism) between EPR Residual management fees paid by PROS and IEPR producers, county and national governments and public private partnerships for sustainable operations.
- (c) Ensuring that the national facility does not compete with or undermine private and PRO-led recycling plants. Its role should be complementary.

4. Proposal to strengthen Circular economy and reuse provisions by—

- (a) Requiring producers to demonstrate reuse and refurbishment pathways before recycling; and
- (b) Introducing eco-design requirements and EPR fee modulation

5. Proposal to integrate informal Sector by—

- (c) Including clear guidelines for accrediting informal collectors and integrating them in to the formal e-waste system under PROs and IEPR schemes; and
- (d) Provide training, PPE and access to legal collection and sorting sites.

6. Proposal for Governance and Coordination as follows—

- (a) NEMA – leads National Oversight, licensing and EPR Compliance Monitoring
- (b) Producers/PROS – Finance and Manage Collection, Recycling and Reporting
- (c) Counties – Support local logistics, awareness and site facilitation.
- (d) Cabinet Secretary- Provide policy guidance and coordinate cross county initiatives.

7. Common Practice in other Waste Steams

Kenya's EPR regime as applied to plastics, packaging and tires demonstrates that producer led systems can deliver high recovery rates and investments when supported by—

- a) Polluter pays principle where producers finance post-consumer waste management
- b) Mandatory take Back Schemes that ensure producers are accountable for their products
- c) Private Sector Operations in which recyclers compete national under environmental standards regulated by NEMA
- d) Waste Hierarchy that prioritizes the reduction, reuse, repair and recycling before final disposal,

The same logic should govern e-waste – a producer financed, private sector driven system, guided by NEMA and supported by counties for logistical facilitation.

NEMA

1. Contravention of EMCA 1999

The Bill is in direct conflict and contravenes the Environment Management and Co-ordination Act, EMCA, 1999, which serves as the overarching legislative framework for environmental management in Kenya.

EMCA was enacted in response to the existence of 78 sectoral laws governing different aspects of the environment. The Bill in its current form seeks to reintroduce the sectoral and compartmentalized approach to environmental management that existed prior to the enactment of EMCA. This will therefore be contrary to the core objective of EMCA which was enacted to create a harmonised and integrated approach to environmental management in Kenya.

2. Risk to Environmental Sustainability:

Since 2003, NEMA has been the principal agency of government charged with the responsibility of supervising and coordinating all environmental related interventions through registration and licensing including the entire value chain of waste electrical and electronic equipment.

E- Waste is categorized under hazardous waste which should be managed as prescribed under EMCA, CA 38 and subsequent EMC (Waste Management) Regulations of 2024.

EMCA is currently under review hence any gap in the provisions concerning hazardous waste management including e waste should be integrated during the review instead of the formulation of a separate act.

NEMA has been spearheading the development of EMC (WEE) Regulations to address specific requirements for e-waste management due to its nature.

The Sustainable Waste Management (Extended Producer Responsibility) Regulations 2024, were recently published and the mandate all producers to bear responsibility over the entire lifecycle of their products.

KENYA NUCLEAR REGULATORY AUTHORITY

- a) KNRA expressed its support on the Bill's objective to provide a legal framework for sustainable e-waste disposal;
- b) Many electronic devices such as medical X-ray machines, airport baggage scanners and industrial equipment contain radioactive components;
- c) Citing regulatory overlap, KNRA noted a "convergence" between the proposed Bill and the Nuclear Regulatory Act. They emphasized that components capable of producing radiation must be disposed of according to nuclear safety standards to protect human health and the environment;
- d) There were concerns regarding the stage at which KNRA would be brought on board during the disposal process suggesting that the Director General of KNRA should be a board in the proposed Bill;
- e) KNRA proposed including a section that explicitly addresses materials involving nuclear radiation;
- f) Citing retention of powers, KNRA requested that the Bill include language such as "save for nuclear materials" ensuring KNRA retains regulatory power over such items as per their existing Act; and
- g) They sought for clarification of mandate to ensure that any e-waste incorporating radioactive materials is subjected further to the provisions of the

KICTANET

- a) There is an overlap. E-Waste can be managed under existing SWMA provisions through regulations. No new statutes needed.
- b) Duplication- New bodies replicate functions already assigned under SWMA.

- c) Concurrence in the objectives of the Bill and those of SWMA
- d) Risks breaching devolution principles through the centralised national oversight via new plant authority
- e) SWMA already offers sustainable financing tools
- f) SWMA is a stronger framework; ensures exclusivity and market participation
- g) Enforcement roles in the Bill are already operational leading to redundancy
- h) New law could cause disharmony with East African Frameworks.

Recommendations

Anchor E-Waste management under SWMA

Conclusion

The existence of EMCA, Waste Management Regulations 2024, SWM (Extended Producer Responsibility) Regulations 2024 already provide adequate safeguards and any gap can be addressed through the finalization of the draft E-Waste regulations that are at an advanced stage (currently undergoing public participation).

NEMA, therefore recommends that the Bill be discarded in its entirety to safeguard the integrity and sustainability of Kenya's environmental management systems.



REPUBLIC OF KENYA

**MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY
State Department for Environment & Climate Change
Office of the Principal Secretary**

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

When replying, please quote:

Ref. No. MEF/ADM/16 VOL. X11

21st October, 2025

Jeremiah Nyegenye, CBS

Clerk of the Senate
Parliament Buildings

NAIROBI

Dear

**RE: THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING
AND REUSE BILL, 2025 (SENATE BILL NO. 5 OF 2025)**

Reference is made to the above subject matter.

The State Department for Environment and Climate Change has reviewed the proposed **Electronic Equipment Disposal, Recycling and Reuse Bill, 2025** and hereby submits a detailed Memorandum for your consideration.

Enclosed in the submission are the following key components:

- (i) Enhancing Legal and Conceptual Consistency ensuring alignment with existing environmental, waste

management, and public health legislation while reinforcing coherence in definitions and legal terms used throughout the Bill.

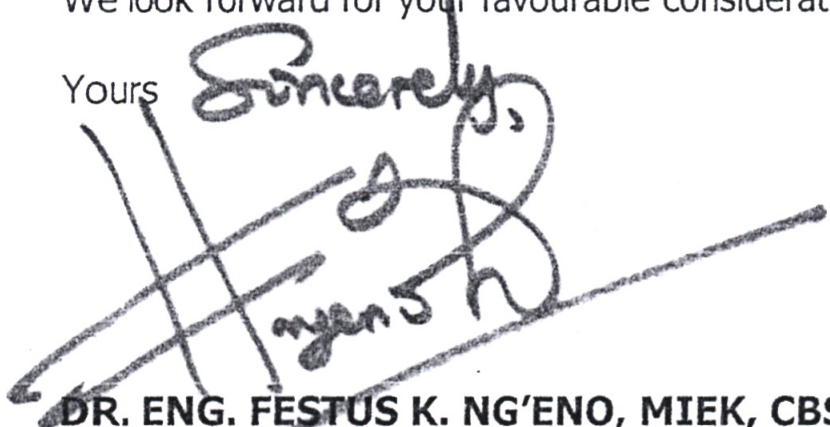
- (ii) Clarifying Institutional Roles and Functions
Clearly outlining the mandates, responsibilities, and inter-agency coordination mechanisms among national and county governments, regulatory bodies, and other key stakeholders to avoid overlaps and ensure effective implementation.
- (iii) Establishing Sustainable Financial and Operational Integrity
Proposing mechanisms for sustainable financing, accountability structures, and operational frameworks to support long-term viability, transparency, and efficiency in electronic waste management.

The Bill offers a crucial step forward, but requires **essential amendments** to achieve full alignment with existing superior legislation, thereby pre-empting future legal and operational challenges.

We look forward for your favourable consideration.

Yours

Sincerely,


DR. ENG. FESTUS K. NG'ENO, MIEK, CBS
PRINCIPAL SECRETARY

Copy to: **Dr. Deborah Barasa**
Cabinet Secretary
Ministry of Environment, Climate Change and Forestry
NAIROBI



REPUBLIC OF KENYA

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When replying, please quote:

**RE: THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025(SENATE
BILL NO. 5 OF 2025)**

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
Part I	Title	The Electronic Equipment Disposal, Recycling and Reuse Bill, 2025	Amend to Change the title to explicitly prioritize EEE product lifecycle activities, e.g., " Electrical and Electronic Equipment "	The core legal concept is the Waste Hierarchy , where Reuse is for EEE (the product) , and Recycling is for E-waste (the material) . The proposed title enforces the hierarchy's priority:

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
			Refurbishment/Repair, Reuse, Recycling, Waste Recovery and Disposal Bill, 2025".	<i>Refurbishment/Repair and Reuse before Recycling and Disposal.</i>
Part I	A Bill for	AN ACT of Parliament to provide a legal framework for environmentally sustainable disposal, recycling and reuse of e-waste; establishing the National E-Waste Recycling Plant; the e-waste sorting site and the ward consolidation site; and for connected purposes	Amend 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 ward collection/consolidation site; and for connected purposes"	To align with above proposed change on the title

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
Part I	Title and Clause 1 <i>Short Title</i>	Focuses on "Electronic Equipment Recycling, Reuse and Disposal," .	Amend the title to explicitly prioritize EEE product lifecycle activities, e.g., "Electrical and Electronic Equipment Refurbishment/Repair, Reuse, Recycling, Waste Recovery and Disposal Bill, 2025" .	The core legal concept is the Waste Hierarchy , where Reuse is for EEE (the product) , and Recycling is for E-waste (the material) . The proposed title enforces the hierarchy's priority: <i>Refurbishment/Repair</i> and <i>Reuse</i> before <i>Recycling</i> and <i>Disposal</i> .
Part I	Clause 2 <i>Interpretation</i>		Define the words "refurbish, repair, recovery" following the proposed amendment of the title	
Part I	Clause 3 <i>Objects of the Act</i>	Objects omit the principle of EPR .	Amend to Include an object: <i>"To promote the circular economy by enforcing Extended</i>	EPR is the core mandatory mechanism under SWMA CAP. 387C Section 13 and the EPR

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
			<i>Producer Responsibility obligations as defined under the Sustainable Waste Management Act and subsidiary legislation". Reference: SWM Act Sec. 13; EPR Reg 3.</i>	Regulations (2024) Reg.4(1)
Part I	Clause 3 (a) <i>Objects of the Act</i>		Rearrange (a) to start with reuse, refurbish/repair, disposal, recover, recycling	
Part I	Clause 3 <i>Object of this Act</i>	a) Provide for sustainable, environmentally compliant mechanisms for the disposal, recycling, and reuse of electronic equipment	Amend to read: Provide for sustainable, environmentally sound, and legally compliant mechanisms for the disposal, recycling, and reuse of electronic equipment.	Environmentally sound is more than just compliance with the law. The bill should aim to provide more than just legal compliance and ensure the sustainability and protection of the environment.

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
Part I	Clause 3 (b) <i>Objects of the Act</i>		Amend to read "Safeguard health of all Kenyans and protect the environment by ensuring proper collection and disposal of e-waste"	e-waste management safeguards health not improve. Inclusion of environment is necessary
Part I	Clause 4 (Guiding principles)	Lists general principles, but omits foundational principles	Amend to include the "polluter pays principle," the "zero waste principle," and the principle of "Prioritizing 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 EPR system

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
Part I	Clause 4 <i>Guiding Principles, a) and b)</i>	Guiding Principles, a) and b)	Amend to add more Guiding Principles. i)Polluter Pays Principle ii) Precautionary Principle	To ensure the principles of Extended Producer Responsibility are upheld and to ensure that the environment and public health are protected in the face of uncertainty.
Part I	Clause 4 <i>(Guiding principles)</i>	The principles are general and do not align with the product-first approach.	Amend to Include the guiding principle of " Prioritizing 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.
Part II	Cluse 5 (i) <i>Functions of the Cabinet Secretary</i>		License E-waste Recycling Plants	The National Plant is established by this bill so, no need to license, but can license other plants which are not necessarily National

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
Part II	Clause 5 (d)(i) and (f) <i>Functions of the Cabinet Secretary</i>		Delete function 5(d)(i) and retain 5(f)	5(a)(i) is a repetition of 5(f). It is also important to consult all the relevant stakeholders and not just the authority
Part II	Clause 6 <i>Powers of the CS</i>	Grants the CS excessive operational powers.	Transfer these operational powers to the Regulator (NEMA) .	Operational work is too detailed for a Cabinet Secretary and is a statutory function of NEMA under the SWMA (2022), Section 8(1)(b) , to ensure unified regulatory oversight.
	Clause 7 (f) <i>Functions of the County Executive Committee Member</i>		Amend to include " In collaboration, create an inter-county....	This needs collaboration

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
	Clause 7 (g) <i>Functions of the County Executive Committee Member</i>		Amendment: Delete	License should be done at NEMA level for ease of data collection and supervision
	Clause 7 (i) <i>Functions of the County Executive Committee Member</i>		Amend as follows... enforce county...	Restrict undertaking to county
	Clause 7 (l) <i>Functions of the County Executive</i>		Amend to read "health and safety measures..".	

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
	<i>Committee Member</i>			
Part III	Clause 8 <i>Duty to safely dispose of E-waste</i>	Places the duty to dispose primarily on the person who generates E-waste (the consumer).	Amend to introduce a new subsection (2) placing the primary financial and organizational burden on the producer. New Subsection (2): <i>The duty to take financial and physical responsibility for the post-consumer management of e-waste rests with the Producer of the electronic equipment.</i>	To enforce the core mandate of EPR legislation, shifting the burden from the public/consumer to the Producer. Citation: SWMA (2022), Section 13(1).
Part III	Clause 9 (1) <i>Licensing of e-waste</i>		Amend to include the word "unless" after the word collector and before the word they	Some word missing

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
	<i>collectors</i>			
Part III	Clause 10 <i>Licensing of E-waste recyclers</i>	Grants the power to license E-waste recyclers to the Cabinet Secretary .	Amend to mandate that the license be issued by the Authority (NEMA) , based on standards set by the Cabinet Secretary.	Licensing of environmental services is a statutory function of the Authority (NEMA), not the Cabinet Secretary, ensuring unified regulatory oversight. Citation: SWMA (2022), Section 8(1)(b).
Part III	Clause 11 <i>Mandatory License Duration</i>	Investment Certainty & Regulatory Oversight	Amend to set the license duration at 10 years (for investment certainty) but require the issuance of an annual compliance certificate based on NEMA inspection.	Balances the need for long-term private sector investment with NEMA's duty to monitor environmental standards yearly.

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
Part III	Clause 11 (1) <i>Duration of License</i>		Amend to include " A license issued in 11 will be subject to issuance of annual compliance certificate"	The annual compliance will ensure the facility is inspected and meets standards
Part III	Clause 13 <i>Cancellation of License</i>	Places the cancellation function with the Cabinet Secretary.	Amend to Transfer the function to NEMA .	The body that issues a license (NEMA) must be the one responsible for its revocation or cancellation.
Part IV	Clauses 16, 17, & 18 <i>Establishment of facilities</i>	Mandates facility establishment without specifying a dedicated funding source from producers.	Amend 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 must be financed primarily by EPR fees	To guarantee a sustainable, dedicated funding stream as required by the Polluter Pays Principle and the national financial framework. The EPR Regulations (2024), Reg. 5(1) & 6 mandate that producers bear the financial responsibility for their product's end-of-life management, which

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
			remitted by registered PROs for e-waste.	includes infrastructure costs.
Part IV	Clause 16, 17, & 18 <i>Establishment of facilities</i>	Mandates facility establishment without reference to public engagement on site location or design.	Amend to add a subsection requiring that the establishment of these facilities must adhere to the public consultation requirements of the SWMA.	Justification: To uphold the constitutional principle of public participation in governance and to ensure local community buy-in for environmental projects. Citation: The Constitution (2010), Article 10(2)(a) and SWMA (2022), Second Schedule.
Part IV	Clauses 16, 17, & 18 <i>Establishment of facilities</i>	Mandates facility establishment (National Plant, Sorting Sites) without specifying a dedicated funding source.	Amend to add a new subsection requiring that the capital and operational costs of these facilities must be financed primarily by EPR fees remitted by registered PROs .	Ensures a sustainable, dedicated funding stream via the Polluter Pays Principle , as mandated by the EPR Regulations (2024), Regulations 5(1) & 6.

Part in the Bill	Section or Clause in Draft Bill	Current Provision in Bill	Proposed Recommendation	Justification or Rationale
Part IV	Clause 20 <i>Transboundary Movement Control</i>	Basel Convention & SWMA	Amend 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.

EXECUTIVE SUMMARY

Review and Recommendations for Enhancing the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025

Date: 21st October, 2025

Prepared for: Senate Standing Committee on ICT and Environment

This review assesses the draft **Electronic Equipment Disposal, Recycling and Reuse Bill, 2025** against the national framework for waste management, including the **Sustainable Waste Management Act (SWMA, 2022)**, the **EPR Regulations (2024)**, and the **Constitution of Kenya (2010)**. The analysis identifies several areas where the Bill can be enhanced to ensure complete legal consistency and operational effectiveness.

The consensus is that the Bill offers a crucial step forward, but requires **essential amendments** to achieve full alignment with existing superior legislation, thereby preempting future legal and operational challenges.

1. Opportunities to Strengthen Conceptual and Legal Foundations

The Bill presents an opportunity to more closely reflect the national commitment to the circular economy and the Waste Hierarchy principles.

Area for Enhancement	Current Provision in Bill	Recommended Alignment
Adherence to Waste Hierarchy	The title and objects currently prioritize Disposal and Recycling .	The title should be amended to prioritize the product lifecycle, placing Refurbishment/Repair and Reuse of Electrical and Electronic Equipment

Area for Enhancement	Current Provision in Bill	Recommended Alignment
		(EEE) before material Recycling and Disposal of E-waste.
Integration of EPR	The Bill's objects do not explicitly include Extended Producer Responsibility (EPR) .	EPR must be explicitly mandated, effectively shifting the financial and organizational burden for managing e-waste from the consumer to the Producer (e.g., Clause 8 Amendment).

2. Clarification of Institutional Roles and Functions

To maintain the integrity of the regulatory system, the Bill's provisions regarding institutional mandate need to be clarified to align with the SWMA.

Area for Enhancement	Current Provision in Bill	Recommended Alignment
Regulatory Authority	Grants the Cabinet Secretary (CS) the powers for licensing and cancellation of licenses for e-waste handlers (Clauses 10, 13).	All operational functions, including licensing, cancellation, and regulatory enforcement, should be transferred to the National Environment Management Authority (NEMA) , which is the designated sector regulator.

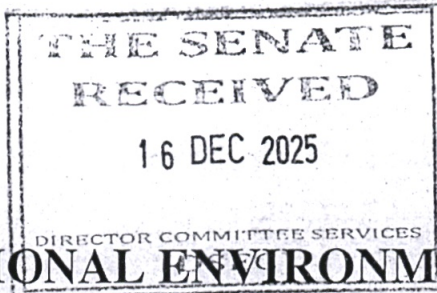
The Bill requires provisions to guarantee the financial viability of the planned infrastructure and to comply with public governance standards.

Area for Enhancement	Current Provision in Bill	Recommended Alignment
Sustainable Funding	Mandates the establishment of a National E-waste Recycling Plant and County Sorting Sites (Clauses 16, 17, 18) without a guaranteed funding source.	Add a new subsection requiring that the capital and operational costs of these facilities be financed primarily by EPR fees remitted by Producers/PROs (Producer Responsibility Organizations).
Public Governance	Mandates facility establishment without clear adherence to the constitutional requirement for public consultation.	Facility establishment must adhere to the public consultation requirements outlined in the SWMA and Article 10(2)(a) of the Constitution.
International Obligations	The Bill omits control mechanisms for the international movement of e-waste.	Insert a new clause strictly regulating the import, export, or transit of e-waste to ensure compliance with the Basel Convention and safeguard the country

Area for Enhancement	Current Provision in Bill	Recommended Alignment
		from becoming an e-waste dumping ground.

Key Recommendation

The Senate is respectfully advised to **refer the Bill back to the relevant Committee** for a comprehensive review and amendment process. This step is necessary to integrate the detailed recommendations and ensure **full alignment of all provisions with the overarching SWMA and EPR Regulations** before the Bill progresses further.



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

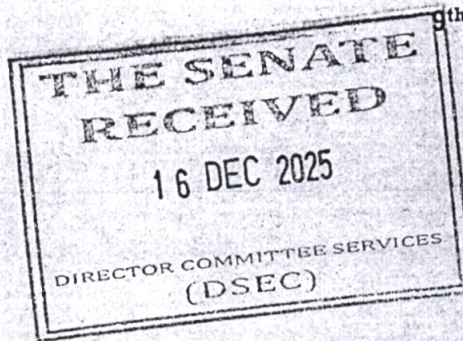
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NEMA/7/7/VOL.VIII

9th December, 2025

Jeremiah M. Nyegenye, CBS,
The Clerk of the Senate,
Senate of the Republic of Kenya,
Parliament Buildings,
Nairobi, Kenya,



Dear

Clerk,

*DSEC
DLS
Note and deal
16/12/2025*

RE: SUBMISSION OF MEMORANDA ON THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025

This is in response to your letter **REF: SEN/DSEC/DISSC/ICT /2025/57**, dated 4th November, 2025 on the aforementioned subject matter.

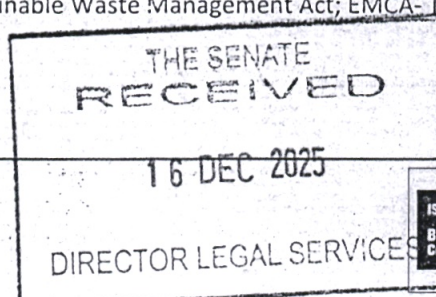
The Authority has undertaken a review of the proposed Bill in the context of existing legislation, including the Sustainable Waste Management Act, 2022 (SWMA), Environmental Management and Coordination Act, 1999 (EMCA), and their subsidiary legislations.

Our comments, captured in the attached Memoranda, focus on:

1. **Scope and Definitions:** Ensuring comprehensive coverage of both electrical and electronic equipment, and clarity on licensing and site approvals.
2. **Alignment with Existing Legislation:** Addressing potential overlaps, conflicts, or duplication with SWMA, EMCA, Draft e-waste regulations and EPR¹ regulations among others.
3. **Principles and Standards:** Incorporating waste hierarchy, EPR, polluter pays, precautionary principle, and circular economy principles.

¹ EPR- Extended Producer Regulations; SWMA- Sustainable Waste Management Act; EMCA- The Environmental Management and Coordination Act

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*MS Mthiri
Kindly note and deal
17/12/25*

4. **Enforcement and Oversight:** Clarifying roles of NEMA and county governments to avoid duplication and maintain national uniformity.
5. **Ease of doing business:** The government has adopted this policy approach to, not only facilitate compliance, but to also make the country an attractive investment destination

In conclusion, while the Bill addresses critical gaps in e-waste management, it requires further harmonization with existing laws and consultation with relevant stakeholders to ensure clarity, feasibility, and consistency in implementation.

Recommendation: We respectfully request that the matter be referred back to the Committee on Environment for further comprehensive consultations with all relevant stakeholders. This process will ensure that the final legislation is coherent, implementable, and aligned with Kenya's broader waste management framework.

Please find attached a detailed table outlining issues, recommendations, and justifications for each relevant part and section of the Bill.

We remain available to provide any further clarifications or technical input the Senate may require.

Yours

Sincerely



Dr. Mamo B. Mamo, EBS
Director General

THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

MEMORANDA ON THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025

The National Environment Management Authority (NEMA) is established under the Environmental Management and Co-ordination Act No. 8 of 1999 (EMCA), to supervise and coordinate all matters related to the environment and to also act as the principal instrument of Government responsible for the implementation of all policies relating to the environment.

Specific responses with respect to the bill are as outlined below;

- **Contravention of EMCA 1999:** The Bill is in direct conflict and contravenes the Environmental Management and Co-ordination Act, EMCA, 1999, which serves as the overarching legislative framework for environmental management in Kenya. **EMCA 1999 was enacted in response to the existence of 78 sectoral laws governing different aspects of the environment, the deteriorating condition of Kenya's environment, and the rising social and economic inequalities, all of which had a combined adverse effect on environmental sustainability.** The Bill, in its current form, seeks to **reintroduce the sectoral and compartmentalized approach to environmental management that existed prior to the enactment of EMCA 1999.** This is contrary to the core objective of EMCA 1999, which was to create a harmonized and integrated approach to environmental management in Kenya.
- **Risk to Environmental Sustainability:** Since 2003, NEMA is the principal agency of government charged with the responsibility of supervising and coordinating all environmental related interventions through registration and licensing including the entire value chain of waste electrical and electronic equipment (collection, transportation, reuse, recycling and export of components that Kenya has no capacity to safely manage at end of life). E-waste is categorized under hazardous waste which should be managed as prescribed under EMCA, CAP 387 and subsequent EMC (Waste Management) Regulations of 2024. Currently EMCA is under review hence any gap in the provisions concerning hazardous waste management including e-waste should be integrated during the review instead of a separate Act. NEMA has been spearheading the development of EMC (WEEE) Regulations to address specific requirements for e-waste management due to its nature. Kenya recently promulgated the Sustainable Waste Management (Extended Producer Responsibility) Regulations 2024, which mandate all producers to bear responsibility over the entire lifecycle of their products. This is a framework law that seeks to address all the **environmental impacts** of products introduced to Kenyan

The existence of EMCA, Waste Management Regulations 2024, SWM(Extended Producer Responsibility) Regulations 2024 already provides adequate safeguards and any gap can be addressed through the finalization of the draft E-waste regulations that

are at an advanced stage (currently undergoing public participation). NEMA, therefore, recommends that the Bill be discarded in its entirety to safeguard the integrity and sustainability of Kenya's environmental management systems.

The Bill focuses more on

Specific comments

Part in the draft bill	Section/clause of the draft bill	Current provision in the bill.	Proposed recommendation	Justification/Rationale
Part 1	Title/Citation	The Electronic Equipment Disposal Recycling and Reuse Bill, 2025	Amend the title to include all EEE products "Electrical and Electronic Equipment	The proposed amendment shall ensure comprehensive coverage of all electrical and electronic equipment
	Section 2 "e-waste collector"	Licensed under section 9 by the County to gather e-waste and transport it to the e-waste sorting and consolidation site in that County	Amend the definition, by deleting "licensed by the County" and substituting with "licensed by the Authority"	E-waste is hazardous and is not regulated by the counties. NEMA is already issuing licenses to transport all forms of waste as provided in EMCA and SWMA and Waste Management Regulations, 2024. Licensing at counties will be duplication of licenses
	Section 2 (b) "e-waste recycler"	"e-waste recycler" licensed by the Cabinet Secretary as provided under section 10	Amend the section by substituting the "Cabinet Secretary" with the "Authority"	Licensing of recyclers is already provided for under EMCA, CAP 387 SWMA and Waste Management Regulations 2024. That mandate has been given to NEMA under these laws
	"e-waste sorting site"	Means site or premises designated by the County under section 17 of this Act for purposes of receiving, accumulating, depositing, storage and	Amend the definition by adding the designation of the site is "subject to approval by Authority" in the definition.	Guarantees environmental safety, aligns with EMCA requirements on Environmental Impact Assessment licence for all projects, prevents local decisions that compromise national standards.

		sorting of e-waste		
	"Ward consolidation site"	Means a site gazetted by the County government under section 18 of the Act	This is an equivalent of a "Waste Transfer Station" under EMCA that is already regulated by NEMA. We recommend adopt what is already in place to reduce confusion for waste handlers. In the event the gazettelement is to be done by the county, the site to be gazetted is subject to approval by the Authority to ensure environmental safety	Requirement for gazettelement by the County will duplicate roles. Approval by Authority Guarantees environmental safety, aligns with EMCA requirements on Environmental Impact Assessment licence for all projects, prevents local decisions that compromise national standards.
	Section 3			
	Section 4	Provides for two guiding principles i.e. right to a clean environment and Zero waste principle	Amend by adding the Polluter pays principle and principal of circularity (the EPR regulations takes care of these principles)	The EPR promotes circularity
Part II	Section 5	The Bill assigns the CS powers to <i>develop policy, classify e-waste, monitor value chain, licence recycling plants, regulate health measures, etc.</i> Many of these functions already fall under NEMA under EMCA 1999, and under SWMA 2022 which mandates national coordination of waste management.	Amend the Bill so that the CS <i>formulates policy</i> , while NEMA retains regulatory, licensing, oversight, classification and compliance functions.	NEMA to regulate all waste streams including e-waste. The Bill cannot reassign statutory powers already defined under EMCA and SWMA.

	Section 5 (c-j)	Lists various functions of the CS,	Amend the section to read "functions of the Authority) The functions are already being undertaken by the Authority as provided for in section 9 of EMCA	The functions are already being undertaken by the Authority under EMCA
	Section 6			
	Section 7 County Licensing of Collectors,	Bill gives counties sole authority to license e-waste collectors, establish ward consolidation sites	Contradicts SWMA and EMCA where hazardous waste handlers require national oversight by NEMA. Recommendation: Amend the sections to require dual compliance : counties issue business licenses; NEMA licences /approves waste handlers under EMCA/SWMA including the collectors and the consolidation sites	E-waste contains hazardous components that may require management that goes beyond Kenyan territory i.e. as per international environmental agreements. Regulation of the same to remain a national function
Part III	Section 8 Responsibilities of generators	Bill requires disposal at ward consolidation sites only	This provision ignores EPR obligations and roles of PROs where applicable. Recommendation: Amend to integrate EPR obligations: generators must dispose through approved EPR systems where applicable	EPR Regulations already govern producer obligations for e-waste. Avoids conflicting responsibilities.
	Section 10 Licensing of National E-waste Recycling Plants	Bill gives licensing authority solely to the CS	Already this function is vested in NEMA under EMCA. Recommendation: Amend licensing function to: "The National E-Waste Recycling Plant shall be licensed by NEMA under EMCA and relevant waste regulations."	All facilities handling hazardous waste (including e-waste) are already be licensed by NEMA under EMCA. The bill as proposed may bring overlap of roles
	Section 12 Appeals	The bill provides for judicial review at a court of competent jurisdiction (judicial review)	Creates legal uncertainty and conflicts with existing tribunals, undermining enforcement and consistency Amend Section 12 to align with EMCA and SWMA, directing appeals to the National Environment Tribunal rather than judicial review.	Ensures consistency with existing environmental and waste management legal frameworks, respects the specialized tribunal system, and avoids duplication or conflicting processes.
	Section 14 & 15 Penalties	Provides for penalties of between	The Penalties are too low and do not reflect the hazardous	This is for Harmonization ensures consistency and

		20000, for collectors and 50,000 for recycler who do not comply with the proposed Act	nature of e-waste. SWMA penalties are much higher Recommendation: Align penalties with SWMA and EMCA to enhance deterrence	strengthens enforcement.
	Section 15 Responsibilities of the recycler	Bill requires recyclers to reclaim waste only from the national recycling plant.	This contradicts market-based flows under EPR Regulations where PROs work with multiple recyclers. Recommendation: Allow recyclers to operate in a competitive environment under NEMA licensing and PRO contracts	Avoids creating monopoly or limiting investment; aligns with EPR Regulations
Part IV	Section 16 National E-waste Recycling Plant mandatory size (30 acres + 5-acre buffer)	The bill provides for a mandatory plant size (i.e. 30 acres + 5-acre buffer)	It is considered overly prescriptive. Land availability and cost may hinder implementation. Recommendation: Replace with: "Size shall be guided by technical assessment and NEMA standards"	Ensures feasibility, cost effectiveness, and alignment with national guidelines
	Section 16 National E-waste Recycling Plant by the CS	Bill requires the CS in consultation with the Authority to gazette a national e-waste recycling plant where recycling shall be done	The bill seems to create one central e-waste recycling plant, potentially creating monopoly and contradicting SWMA which promotes county and private sector waste facilities Recommendation: Modify to allow multiple NEMA-licensed e-waste plants (public or private) that meet given standards	Encourages competition, innovation private sector investment
	Section 17& 18 Ward Consolidation Sites & Sorting Sites	The bill provides for minimum land size (5 acres for sorting site and 1 acre for consolidation site) and makes it mandatory for each County	This requirement may be impractical and unfunded. SWMA requires waste facilities to meet national standards but leaves size and design to regulations. Recommendation: Amend to allow flexibility and require NEMA-approved siting guidelines rather than fixed acreage	Different counties have different spatial realities. Over prescriptive land requirements conflict with SWMA's flexible framework

	Section 21	Bill allows counties to enact specific e-waste laws for management of e-waste in the County	There is no requirement for the counties to align with national waste laws/regulations: Recommendation: Insert clause requiring county laws to conform with EMCA, SWMA, and national waste regulations	Ensures coherence of devolved legislation with national standards.
General observations	The bill as proposed overlaps with EPR Regulations	Bill does not integrate EPR obligations (design for recycling, take-back systems, PRO certification).	Insert provisions referencing the existing EPR Regulations and requiring harmonization.	Avoids duplication and ensures producer responsibility remains in force.
The Authority wishes to note that, although the proposed bill was refereed to the Senate Standing Committee on ICT , its substantive focus is on the management of waste arising from electronic equipment. Matters relating to waste management, environmental protection and disposal of hazardous material fall squarely within the mandate of committee on Environment . Therefore the Authority is of the view that the bill ought to have been refereed to the committee on environment ,or a joint committee of Environment and ICT to ensure that all environmental and technical considerations are adequately addressed.				

Recommendations.

While the Bill demonstrates a commendable effort to address the growing challenge of electronic waste management, its introduction in its current form presents substantive conflicts and duplications with the existing legal and institutional framework established under EMCA CAP 387, the Sustainable Waste Management Act (2022), the EPR Regulations (2024), the Waste Management Regulations (2024) and the draft ewaste regulations.

The Bill recreates regulatory and oversight functions already vested in NEMA and introduces parallel systems for licensing, compliance monitoring, and facility management. This approach risks fragmenting a legal framework that was intentionally amalgamated under EMCA to ensure coherence, uniformity, and central coordination of environmental governance in Kenya.

Given these overlaps and structural conflicts, the most appropriate and sustainable option is not the creation of a new stand-alone Act, but rather to strengthen the existing environmental legal framework.

This can be effectively achieved by taking advantage of the ongoing review of EMCA and the finalization of the draft E-Waste Regulations, ensuring that any identified gaps, inconsistencies, or emerging e-waste management needs are comprehensively addressed within the established national legal architecture.

This approach preserves the integrated nature of environmental law as envisioned in EMCA, enhances efficiency, avoids institutional conflict, and aligns national efforts with the principles of coordinated and harmonized waste management governance.

The situational analysis indicates that the challenge in e-waste management stems not from legislative gaps, but from insufficient enforcement, which will be addressed through the implementation of Extended Producer Responsibility (EPR) Regulations.



WEEE CENTRE

Managing e-Waste for a Safe Environment

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Tel: +254 (0) 20 2060919/20
Cell: +254 (0) 701 819 559
Email: info@weecentre.com
Website: www.weecentre.com

To:

Clerk of The Senate,
P.O Box 41842 – 00100,
Nairobi – Kenya.

Date: 21st October 2025

Dear Sir/Madam,

SUBJECT: SUBMISSION OF MEMORANDUM ON THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025

The WEEE Centre (Waste Electrical and Electronic Equipment Centre) is pleased to submit the attached Memorandum providing detailed expert input on **The Electronic Equipment Disposal, Recycling and Reuse Bill, 2025**. The Senate Bill Number 5.

As Kenya's leading licensed and operational e-waste recycling facility, the WEEE Centre possesses unique, on-the-ground operational expertise in managing the full lifecycle of electronic waste, particularly the complex stream of high-value materials such as Lithium batteries. Our experience allows us to provide practical insights into the infrastructural, technical, and logistical realities of building a circular economy.

We fully support the objectives of this crucial Bill, which aims to establish a clear legal framework for sustainable e-waste management. Our input is specifically designed to ensure that the final legislation is not only visionary but also **practical, enforceable, and economically viable** for recyclers and producers alike. We emphasize provisions that will:

1. **Accelerate Private Sector Investment:** Create favorable conditions for local investment in high-value recovery infrastructure, such as black-mass extraction and battery re-purposing.
2. **Harmonize Compliance:** Ensure the Bill aligns seamlessly with the **Sustainable Waste Management Act of 2022** and the **EPR Regulations of 2024**, particularly in structuring collective and individual producer responsibility.

We trust that our recommendations, drawn from our practical experience in the recycling sector, will be invaluable to the Committee's deliberations. We are available to appear before the Committee to provide further oral testimony or clarity on any matter contained within our submission.

Sincerely,

Boniface Mbohi

Chief Executive Officer

MEMORANDUM ON THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025

1. Introduction

The **Electronic Equipment Disposal, Recycling and Reuse Bill, 2025** seeks to establish a structured legal framework for managing electronic waste (e-waste) in Kenya. However, to ensure coherence with the **Sustainable Waste Management Act, 2022 (SWMA, 2022)** and the **Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024 (EPR Regulations, 2024)**, the Bill should carefully be harmonized to avoid duplication, inefficiency, and contradictions.

The SWMA and the EPR Regulations already define **Extended Producer Responsibility (EPR)** as the principal mechanism for managing post consumer products, including e-waste. Therefore, the E-waste Bill, 2025, should strengthen not duplicate this EPR-based system.

The following table outlines key areas of alignment and conflict between the foundational **Sustainable Waste Management Act, 2022 (SWMA, 2022)** and its **EPR Regulations, 2024**, and the proposed **Electronic Equipment Disposal, Recycling and Reuse Bill, 2025**, based on the principles of private sector-led development and competition.

2. Alignment and Conflict Analysis: E-Waste Bill versus the Existing Law

Aspect	SWMA, 2022 & EPR Regulations, 2024	E-Waste Bill, 2025 (Potential Conflict)	Alignment/Recommendation for Bill
Core Principle	Mandates Extended Producer Responsibility (EPR): Producers take financial and operational responsibility for end-of-life products (including e-waste).	Proposes state-led infrastructure (National E-waste Recycling Plant, county-managed sites) and government licensing of facilities.	Conflict: State-run facilities compete with the producer-funded EPR system, undermining private investment.
Producer Compliance	Allows producers to opt for Individual EPR (IEPR) or Collective EPR	May imply a uniform or state-controlled e-waste system that limits	Alignment: The Bill must explicitly uphold the producer's choice for IEPR or CEPR to remain consistent with the SWMA.

Aspect	SWMA, 2022 & EPR Regulations, 2024	E-Waste Bill, 2025 (Potential Conflict)	Alignment/Recommendation for Bill
	(CEPR) through a PRO.	individual producer compliance.	
Licensing Authority	NEMA licenses and approves all EPR Schemes (PROs) and sets performance standards for the entire waste stream.	Proposes dual licensing: County governments license e-waste collectors, and the Cabinet Secretary licenses e-waste recyclers.	Conflict: Overlap and fragmentation of regulatory authority, causing administrative burden for private sector actors. Recommendation: NEMA should be the principal authority for licensing schemes and processing facilities, with county government role limited to local operational permits.
Infrastructure Ownership	Infrastructure (collection, sorting, recycling) is generally established, owned, and financed by PROs and the private sector.	Proposes the establishment of facilities with an overemphasis on government control or ownership (per Clause 16 of the original bill structure).	Recommendation: The Bill should mandate private sector-led investment and allow independent establishment and management of facilities by any private investor to foster competition and innovation.
Land/Buffer Requirements	Focus is on Environmentally Sound Management (ESM) standards determined by NEMA/EIA.	The original bill structure may contain prescriptive land size and buffer zone requirements that act as strategic barriers.	Conflict: Fixed, prescriptive requirements hinder private investment and operational flexibility. Recommendation: Requirements must be based on ESM standards and site-specific EIA, avoiding arbitrary numerical barriers.
Residual Waste	Implicitly covered by the producer's obligation to manage waste	Does not adequately address the high cost and technical	Alignment/Opportunity: The Bill can offer an incentive by proposing joint establishment of Regional Residual Treatment Facilities in collaboration with

Aspect	SWMA, 2022 & EPR Regulations, 2024	E-Waste Bill, 2025 (Potential Conflict)	Alignment/Recommendation for Bill
	until final disposal.	difficulty of managing high-hazard residual waste from e-waste recycling.	the private sector, county governments, and the national government.
Waste Hierarchy	Mandates adherence to the waste hierarchy, prioritizing Reuse and Refurbishment over Recycling.	May focus heavily on the recycling end of the chain.	Recommendation: Strengthen provisions that incentivize the Reuse and Refurbishment sector (e.g., certification, tax breaks) to maximize resource value and adhere to the hierarchy.

3. Role of the Private Sector

The private sector — producers, PROs, recyclers, and service providers — is central to effective e-waste management under the existing EPR framework.

Key Roles:

- a) **Producers/Importers:** Must finance and organize the end-of-life management of their products through either:
 - i. **Collective EPR (PROs)** — joining or forming a Producer Responsibility Organization to manage obligations collectively; or
 - ii. **Individual EPR (IEPR)** — directly contracting **licensed recyclers** and **waste service providers** to manage their waste.
- b) **PROs:** Entities established by producers to pool resources and collectively fulfill EPR obligations.
- c) **Private Recyclers and Collectors:** Execute collection, transportation, sorting, and recycling services, often under contract with PROs or producers operating under IEPR.

4. Economic Opportunities in the EPR Scheme

Opportunity	Mechanism
Waste Recovery Industry	EPR guarantees a financed flow of post-consumer electronics to recyclers, unlocking access to valuable materials (metals, plastics, glass).
Regional Recycling Growth	By allowing licensed recyclers to operate across counties, private investment will spread nationwide, promoting regional economic development.
Circular Economy Jobs	Encouraging reuse, repair, and refurbishment creates local jobs in reconditioning and secondary material industries.
Eco-Design and Innovation	Fee modulation and eco-design requirements push manufacturers toward sustainable product design and greener technologies.

5. Proposal to Promote Private Sector Operations and Regional Diversity

- a) Enable Recyclers to Operate Nationally: The Bill should explicitly allow licensed private recyclers to operate across all counties, preventing regional monopolies and encouraging efficiency and competition.
- b) Encourage Regional Recycling Facilities: Instead of one centralized national plant, the Bill should support regional recycling facilities developed by private investors or PROs, ensuring accessibility, cost-efficiency, and equitable growth.
- c) Performance-Based Regulation: Replace prescriptive government planning with measurable performance standards such as collection and recycling targets, traceability requirements, and environmentally sound management (ESM) benchmarks.

6. Proposal to Redefine the Role of the National E-Waste Recycling Facility

- a) Limit National Facility to Residual Waste: The proposed National E-waste Recycling Plant should only handle problematic fractions or hazardous residual waste that are uneconomical or technically difficult for private recyclers to process (e.g., CRT glass, heavy metals, composite plastics).
- b) Cost-Sharing Model: Establish a joint financing mechanism for the national facility through:
 - i. EPR residual management fees (paid by PROs and IEPR producers);
 - ii. Contributions from national and county governments; and
 - iii. Public-private partnerships for sustainable operations.

- c) **No Competition with Private Recyclers:** The national facility must not compete with or undermine private and PRO-led recycling plants. Its role should be complementary — providing high-hazard treatment and final disposal services.

7. Proposal to Strengthen Circular Economy and Reuse Provisions

- a) **Prioritize Reuse and Refurbishment:** Require producers and PROs to demonstrate re-use and refurbishment pathways before recycling. Offer tax incentives and reduced licensing fees for certified refurbishers.
- b) **Eco-Design Incentives:** Introduce eco-design requirements and EPR fee modulation — products that are harder to recycle or repair should attract higher EPR fees.

8. Proposal to Integrate Informal Sector

Accreditation and Integration Framework: Include clear guidelines for accrediting informal collectors and integrating them into the formal e-waste system under PROs or IEPR schemes.

Provide training, PPE, and access to legal collection and sorting sites.

9. Proposal for Governance and Coordination

- a) **NEMA:** Lead national oversight, licensing, and EPR compliance monitoring.
- b) **Producers/PROs:** Finance and manage collection, recycling, and reporting.
- c) **Counties:** Support local logistics, awareness, and site facilitation.
- d) **Cabinet Secretary:** Provide policy guidance and coordinate cross-county initiatives.

10. Common Practice in Other Waste Streams

Kenya's EPR regime, as applied to **plastics, packaging, and tyres**, demonstrates that producer-led systems can deliver high recovery rates and investment when supported by:

- a) **Polluter Pays Principle:** Producers finance post-consumer waste management.
- b) **Mandatory Take-Back Schemes:** Ensuring producers are accountable for their products.
- c) **Private Sector Operations:** Recyclers compete nationally under environmental standards regulated by NEMA.
- d) **Waste Hierarchy:** Prioritizing reduction, reuse, repair, and recycling before final disposal.

The same logic should govern e-waste — a producer-financed, private-sector-driven system, guided by NEMA and supported by counties for logistical facilitation.

Submission to the Senate ICT Committee on The Electronic Equipment Disposal, Recycling and Reuse Bill, No. 5 of 2025

To: The Clerk of the Senate,
ICT Committee,

Dear Honorable Members,

On behalf of Bopinc, we submit the following recommendations and observations on The Electronic Equipment Disposal, Recycling and Reuse Bill, No. 5 of 2025. Our submission draws from practical experience working in the e-waste sector. We aim to strengthen the Bill's alignment with existing national legislation and ensure inclusivity of informal actors within the circular economy ecosystem.

Below is a detailed summary of our comments and proposed amendments.

Part in the Bill	Section / Clause in Draft Bill	Current Provision in the Bill	Proposed Recommendation	Justification / Rationale
Part II – Functions of the Authority	Clause 6(a)	The cabinet secretary shall have powers to determine, impose and levy rates, charge dues or fees for any services performed under this Act or for the grant, renewal or validation of the licence, permit or certificate.	Transfer the function of imposing any environmental levy to the National Environment Management Authority (NEMA).	Imposing and administering environmental levies falls within the mandate of NEMA under EMCA. This ensures coherence and avoids duplication.

Part II – Functions of the Authority	Clause 6(e)	The Cabinet Secretary shall have powers to open a bank account	Clarify whether this account aligns with the Public Finance Management Act and maintain the principle of ring-fencing funds for e-waste management.	Ring-fencing promotes accountability but must align with national public finance laws to ensure transparency and oversight.
Part III – Licensing and Regulation	Clause 5(i)	The Cabinet Secretary shall license National e-waste recycling plants	This licensing function falls under NEMA-Sustainable Waste Management Act (2022).	Consolidating licensing under NEMA prevents overlap and strengthens enforcement under existing environmental laws.
Part IV – Prohibitions	Clause 9(1)	Contains a typographical or drafting error: 'A person shall not operate...' appears misplaced.	Correct the typographical error to accurately state the intended condition. Delete the word 'not'	The error provides the interpretation that a person shall not operate even with a license.
Part V – Offences and Penalties	Clause 14(3)	Provides a fine of KSh 50,000 for e-waste collectors violating provisions.	Reduce the fine to KSh 5,000 – 10,000. This should deter the informal e-waste collector to comply without pushing them out of the	The current fine is disproportionate to the average income of informal e-waste collectors (KSh 2,500 daily). Lower fines to promote

sector. Waste collectors play a significant role in the collection and sorting of waste in Kenya.	compliance, reduce corruption, and sustain inclusion of informal actors.
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Additional Note

There already exists a comprehensive framework under the National Sustainable Waste Management Act (2022), the Extended Producer Responsibility (EPR) Regulations (2024) and the draft E-waste Regulations. Several clauses in the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025, conflict with the National Sustainable Waste Management Act, 2022, particularly regarding institutional roles, levy administration, fund management, and licensing powers.

Bopinc therefore recommends that the provisions proposed in this Bill be incorporated into these existing regulations to promote coherence, reduce redundancy, and enhance implementation efficiency.

Memorandum of Objects and Reasons

The data on e-waste generated annually in Kenya, as cited in the Bill, is inaccurate. Recent estimates by NEMA, ITU, and UNEP indicate that Kenya generates approximately 50,000–60,000 tonnes of e-waste annually. We recommend updating this data to reflect verified national statistics to guide policy decisions effectively.

Respectfully submitted,

Ebenezer Amadi

Senior Program Manager, Bopinc

Date: 11th November 2025



**KENYA
NUCLEAR
REGULATORY
AUTHORITY**

Safety, Security and Peace in Nuclear

When replying please quote:

Our Ref: **KNRA/LG/10/1 VOL. I (32)**

Date: **12th February 2026**

The Senate
Clerk's Chambers,
Parliament Building
P O BOX 41842 - 00100
NAIROBI, Kenya

Dear Sir,

**KENYA NUCLEAR REGULATORY AUTHORITY RESPONSE TO THE
ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025
(SENATE BILLS NO. 5 OF 2025)**

Kenya Nuclear Regulatory Authority (hereinafter referred as the Authority) is a State Corporation, domiciled in the Ministry of Health as established under Section 5 of the Nuclear Regulatory Act, Cap 243 Laws of Kenya. It is mandated to regulate the safe, secure, and peaceful use of nuclear science and technology in Kenya by providing protection to persons, property, and the environment against harmful effects of ionizing and non-ionizing radiation through establishment and enforcement of an effective system of regulatory control.

The Authority has reviewed the Bill herein referenced and notes the objects therein as stipulated in section 3. Further, the Authority supports the Bill save for safeguarding of its mandate that covers including, any device electronic or otherwise capable of producing ionizing and non-ionizing radiation.

Yours *sincerely*

FOR: 

James Keter, EBS
DIRECTOR GENERAL

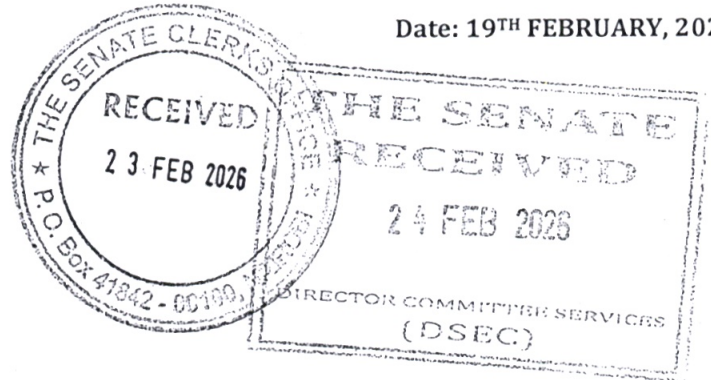
Telephone: +254-20-5138300
Email: ceo@nuclear.co.ke
When replying please quote

OFFICE OF THE CHIEF EXECUTIVE OFFICER
NUCLEAR POWER AND ENERGY AGENCY
KAWI COMPLEX, OFF REDCROSS ROAD
P. O. Box 26374-00100
NAIROBI

Ref. No. NuPEA/SEN/01/11/02 /2026

Date: 19TH FEBRUARY, 2026

Mr. Jeremiah Nyegenye, CBS
Clerk of the Senate
Parliament Buildings
P.O BOX41842-00100
NAIROBI.



Dear *Jeremiah,*

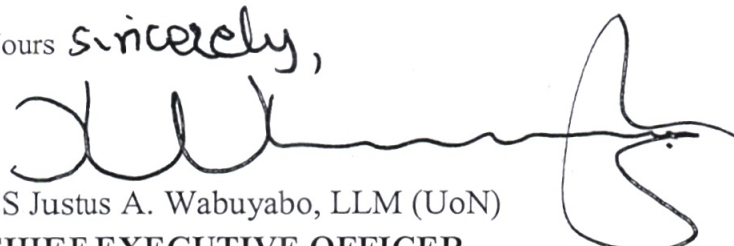
RE: SUBMISSION OF NUCLEAR POWER AND ENERGY AGENCY COMMENTS TO THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL ,2025(SENATE BILL NO.5 OF 2025)

Reference is made to the letter ref: SEN/DSEC/DISSC/ICT/2026/002 dated 5th February 2026 regarding Stakeholder engagement On the Electronic Equipment Disposal, Recycling and Reuse Bill ,2025(Senate Bill No.5 Of 2025)

Kindly find enclosed our detailed written responses addressing the matters raised. We trust that the explanations and supporting documentation provided sufficiently clarify our position.

As an Agency we appreciate the opportunity to engage further on these matters and remain committed to constructive dialogue toward a mutually satisfactory resolution. Should you require any additional information prior to the meeting, please do not hesitate to contact us.

Yours *sincerely,*


CS Justus A. Wabuyabo, LLM (UoN)
CHIEF EXECUTIVE OFFICER

① DSKC
DLG

Kindly deal.

③ M. Athiiri
Kindly deal
1/24/02/2026



② DPSEC(VK)
Kindly deal
24/02/2026


24/02/2026
KENYA
2030

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

SECTION	COMMENT	RECOMMENDATION
Scope and Definition of “E-Waste” – Clause 2 (Interpretation) Clause 2 adopts the definition of “e-waste” as assigned under the Sustainable Waste Management Act. However, the Bill does not expressly exclude electronic equipment that is radioactive, irradiated, or contaminated with nuclear or radiological material.	Electronic equipment used in nuclear installations, radiological laboratories, medical radiation facilities or nuclear research environments may become radioactively contaminated and should not be classified or managed as ordinary e-waste. The Bill does not expressly exclude such equipment, creating regulatory overlap and potential non-compliance with the <i>Nuclear Regulatory Act (No. 29 of 2019)</i> and oversight by the Kenya Nuclear Regulatory Authority (KNRA).	Clause 2 should be amended to expressly exclude radioactive or nuclear-contaminated electronic equipment from the scope of the Act, or to provide that such waste shall be managed strictly in accordance with the Nuclear Regulatory Act and under the regulatory oversight of the KNRA. Reference: <u><i>Nuclear Regulatory Act, 2019 – Section 3 (Functions of the Authority) and Section 4 (Control of radioactive sources and nuclear material).</i></u>
Objects of the Act – Clause 3 Clause 3 aims to promote environmentally compliant disposal and improved public health through proper e-waste management.	These objectives align with nuclear safety principles; however, the Bill does not recognise that improper handling of nuclear-related electronic waste poses risks far beyond conventional environmental harm, including long-term radiological exposure.	Clause 3 should be read together with the nuclear safety and radiation protection mandates of the KNRA under the Nuclear Regulatory Act, 2019, to ensure that the objective of public health protection is not undermined by misclassification of nuclear-related waste as e-waste. Reference: <i>Nuclear Regulatory Act, 2019 – Section 3(1)(a) and (c) (protection of people and environment from harmful effects of radiation).</i>

Classification of E-Waste – Clause 5(b) Clause 5(b) mandates the Cabinet Secretary to classify e-waste.	Without explicit cross-reference to nuclear and radiation regulatory authorities, there is a risk that radioactive electronic components could be inadvertently classified as recyclable e-waste.	Clause 5(b) should require consultation with the national nuclear and radiation regulatory authority when classifying e-waste, particularly where equipment originates from nuclear or radiological activities. Reference: <i>Nuclear Regulatory Act, 2019 – Section 3(1)(f) (advising the Government on nuclear and radiation safety).</i>
Licensing of E-Waste Recyclers – Clause 10 Clause 10 empowers the Cabinet Secretary to license e-waste recyclers	E-waste recyclers licensed under this provision may lack the technical capacity or legal authority to handle radioactive or irradiated electronic equipment, which requires specialised nuclear waste management infrastructure.	Clause 10 should expressly prohibit licensed e-waste recyclers from handling radioactive or nuclear-contaminated electronic equipment, unless duly licensed under the Nuclear Regulatory Act, 2019, and authorised by the KNRA. Reference: <i>Nuclear Regulatory Act, 2019 – Section 14 (Licensing of practices involving radiation sources) and Section 17 (Prohibitions).</i>
Establishment of the National E-Waste Recycling Plant – Clause 16 Clause 16 establishes a National E-Waste Recycling Plant.	The Bill does not clarify whether the National E-Waste Recycling Plant may handle electronic waste arising from nuclear or radiological facilities. This presents a significant safety and regulatory concern, as nuclear-related waste requires segregation, shielding, long-term control and specialised disposal.	Clause 16 should expressly state that the National E-Waste Recycling Plant shall not receive, process or recycle electronic equipment containing radioactive material, except in compliance with nuclear waste management laws and under the supervision of the competent nuclear authority. Reference: <i>Nuclear Regulatory Act, 2019 – Section 3(1)(d) (regulation of radioactive waste management) and Section 21 (Management of radioactive waste).</i>

Standards and Guidelines – Clause 19 Clause 19 empowers the Cabinet Secretary to prescribe standards and guidelines for e-waste facilities.	The absence of mandatory alignment with nuclear safety standards could lead to regulatory inconsistency where electronic waste intersects with nuclear energy operations.	Clause 19 should require that standards and guidelines take into account nuclear safety, radiation protection, and international nuclear obligations, particularly where electronic equipment is used in nuclear or radiological contexts, and should be developed in consultation with the KNRA. Reference: Nuclear Regulatory Act, 2019 – Section 3(1)(e) (development of safety standards and guidelines) and Section 5 (International obligations).
Regulations – Clause 20 Clause 20 grants wide regulation-making powers	This clause provides an opportunity to clearly demarcate the boundary between e-waste regulation and nuclear waste regulation.	Regulations made under Clause 20 should expressly: • Exclude radioactive electronic equipment from the e-waste stream; and • Provide for mandatory referral of such waste to the appropriate nuclear waste management regime. Reference: Nuclear Regulatory Act, 2019 – Section 33 (Regulations) and Section 21 (Radioactive waste management).



COUNCIL OF GOVERNORS

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P.O. BOX 40401-00100,
Nairobi.

Tel: (020) 2403314, 2403313
E-mail: info@cog.go.ke

Ref: COG/6/10 Vol. 13 (81)

24th November, 2025

Jeremiah Nyegenye, CBS
The Clerk of the Senate
Parliament Buildings
Nairobi

Dear Mr. Nyegenye,

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

Greetings.

We refer to a letter from the Senate, Dated 10th November, 2025 Ref. No. SEN/DSEC/DISSC/ICT/2025/58 inviting the Council to submit its comments on The Electronic Equipment Disposal, Recycling And Reuse Bill, 2025 (Senate Bill No. 5 Of 2025) (hereinafter "the Bill") and appear before the Information, Communication and Technology Committee on Tuesday, 25th November, 2025 at 12.00pm in the Committee Room 4, First Floor, Bunge Tower, Parliament Buildings to make oral submissions.

We wish to formally notify the Committee that the Council is unable to appear physically on the scheduled date due to unavoidable circumstances. However, we hereby submit our written legislative memorandum for your consideration and request that another date be granted for us to make our oral submissions. We apologize for any inconvenience caused.

Please accept the assurance of our highest esteem and consideration.

Yours sincerely,

Mary Mwiti, EBS
Chief Executive Officer

Copy: All Excellency Governors
All County Executive Committee Members in charge of Environment
All County Attorneys



**LEGISLATIVE MEMORANDUM ON THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE BILL, 2025 (SENATE BILL
NO. 5 OF 2025)**

TO

THE SENATE STANDING COMMITTEE ON INFORMATION, COMMUNICATION AND TECHNOLOGY

FROM

THE COUNCIL OF GOVERNORS

The Council of Governors (The Council):

In recognition of Article 1(4) of the Constitution of Kenya, that sovereign power of the people is exercised at the national level and the county level;

In further recognition of Article 6 (2) that governments at the national and county levels are distinct; and

Aware of the need for coordination and consultation between the National Government and County Governments to ensure that legislation responds to the key issues facing devolution, and further reflects the spirit and objects of devolution;

Has reviewed **The Electronic Equipment Disposal, Recycling And Reuse Bill, 2025 (Senate Bill No. 5 Of 2025) (the “Bill”)** seeking to provide a legal framework for the safe, regulated handling and disposal of E-waste as part of enhancing the constitutional rights to a clean and healthy environment contained in Article 42 as well as ensuring the state has carried out its obligations encapsulated under Article 69(1) of the Constitution. The Council notes as follows:

A. GENERAL COMMENTS;

- i. Whilst noting the need for regulation of e-waste in Kenya, the Council notes that the Bill is unnecessary, as the **Sustainable Waste Management Act, Cap 387C** was enacted to give effect to Paragraph 2 (g) of the Fourth Schedule to the Constitution. Section 33 (2) (i) empowers the Cabinet Secretary to issue regulations covering e-waste management. Developing e-waste regulations under the existing Act will be more efficient and will avoid overlaps.
- ii. Further, the Council **opposes** the Bill as it seeks to **claw back** on the exclusive devolved function of refuse removal, refuse dumps and solid waste disposal under Paragraph 2 (g) of the Fourth Schedule and Gazette Notice No. 219 dated 16th December, 2024. In establishing a national recycling plant to be licensed by the Cabinet Secretary, the Bill contravenes Section 17 (b) of the Sustainable Waste Management Act, Cap 387C that mandates Counties to establish **waste recovery** and **recycling facilities** and **sanitary landfills** for the disposal of non-recoverable waste. The national government’s singular mandate in waste disposal and recycling is policy making and capacity building of Counties.
- iii. The Council recommends that government provides incentives and a conducive business environment for County Governments to partner with private entities in establishing material recovery facilities.

B. SPECIFIC COMMENTS;

In spite of the generality of the above comments, the Council recommends the following with respect to the clauses in the Bill for consideration:

CLAUSE OF THE BILL	PROVISION IN THE BILL	THE COUNCIL'S PROPOSED AMENDMENTS	JUSTIFICATION
Clause 5- Functions of the Cabinet Secretary	5. The Cabinet Secretary shall— ... (i) license National E-waste Recycling Plants; and	Delete clause 5 (i) entirely	We oppose this provision as it is an attempt to claw back on the exclusive devolved function of refuse removal, refuse dumps and solid waste disposal under Paragraph 2 (g) of the Fourth Schedule and Gazette Notice No. 219 dated 16 th December, 2024. Section 17 (b) of the Sustainable Waste Management Act, Cap 387C mandates Counties to establish waste recovery and recycling facilities and sanitary landfills for the disposal of non-recoverable waste. The national government's singular mandate in waste disposal and recycling is policy making and capacity building of Counties.

			Moreover, the phrase 'national' waste recycling plants is a misnomer as they will operate within counties in any case.
Clause 6 – Powers of the Cabinet Secretary	6. The Cabinet Secretary shall have all the powers necessary for the proper performance of their functions 99 Powers of the Cabinet Secretary. under this Act and in particular, but without prejudice to the generality of the foregoing, the Cabinet Secretary shall have power to— (a) determine, impose and levy rates, charges, dues or fees for any services performed under this Act, or for the grant, renewal or validation of a licence, permit or certificate; ... (d) subject to the approval of the Cabinet Secretary for the time being responsible for matters relating to fmance, invest any of the funds not immediately required for purpose of this Act, as it may determine; and (e) open a bank account into which all moneys received shall be paid in the first instance and out of which all payments shall be made.	Delete clause 6 (a), (d) and (e) entirely.	These provisions are an attempt to claw back on a devolved function as the national government's singular mandate in waste disposal is policy making and capacity building of Counties. The Cabinet Secretary does not therefore need the power to impose rates/fees/charges for implementation services including licensing, investing such monies collected and opening accounts for the same.

Clause 7 - Functions of County Executive Committee Member.	7. (1) Each County Executive Committee Member shall – (b) prepare a county e-waste management plan and allocate funds necessary for the provision of e-waste management in county budgets; (c) establish an e-waste sorting site in each county; (d) establish ward consolidation sites in each ward where residents can drop off their electronic waste;	Amend clauses 7(b), (c) and (d) as follows: (b)Integrate e-waste management within the county sustainable waste management plan and ensure that budget allocations for e-waste are incorporated within the overall county waste management budget framework. (c) establish an e-waste sorting site within material recovery facilities in each county; (d) establish ward consolidation sites in each wards where residents can drop off their electronic waste; Amend to include (n) determine, impose and levy rates, charges,	i. Paragraph (b) - The Sustainable Waste Management Act establishes a unified framework for all waste streams, including electronic waste. Integrating e-waste within the county's broader sustainable waste management planning and budgeting processes promotes coherence, and prevents fragmentation that may arise from treating e-waste as a standalone planning and budgeting function. ii. Paragraph (c) outlines a weighty responsibility assigned to the County Government, which requires substantial capital investment, land acquisition, and recurrent operational costs. There is need for transfer of resources for all devolved functions to Counties to ensure they have requisite capacity to implement this. iii. Under paragraph (d), we propose that Counties can cluster their wards in establishing these consolidation sites to maximize efficient use of resources. Requiring a consolidation site in every ward will
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		dues or fees for any services performed under this Act, or for the grant, renewal or validation of a licence, permit or certificate;	form a major logistical and financial burden. Moreover, certain wards may not have enough e-waste to require a consolidation site. iv. Proposed paragraph (n) - The CECM ought to be granted the power to levy rates and any related charges in order to operationalize e-waste management in the County.
Clause 10 - Licensing of e waste recyclers.	10. (1) A person shall not operate as an e-waste recycler unless they have applied for and obtained a licence from the Cabinet Secretary. (2) An applicant for a licence under subsection (1) shall submit an application in the prescribed form together with the prescribed fees to the Cabinet Secretary for consideration. (3) The Cabinet Secretary may consider the application within such period as may be prescribed in the Regulations, and may—(a) grant an applicant a conditional or unconditional licence; or (b) reject the application. (4) The Cabinet Secretary shall inform the applicant of its decision under subsection (4) within fourteen days of the decision.	Delete clause (10) entirely.	We oppose this provision as it is an attempt to claw back on the exclusive devolved function of refuse removal, refuse dumps and solid waste disposal under Paragraph 2 (g) of the Fourth Schedule and Gazette Notice No. 219 dated 16th December, 2024. Furthermore, Section 17 (b) of the Sustainable Waste Management Act, Cap 387C mandates Counties to establish waste recovery and recycling facilities and sanitary landfills for the disposal of non-recoverable waste. The national government's singular mandate in waste disposal and recycling is policy making and capacity building of Counties.

	(5) Where the Cabinet Secretary refuses to grant an application, the Cabinet Secretary shall, in its notification under subsection (4), specify the reason for the refusal. (6) A licence issued under this section is not transferable. (7) A person who contravenes the provisions of this section commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.		
Clause 14 - Responsibilities of the e-waste collector.	14. (1) An e-waste collector shall handle e-waste in the prescribed manner. (2) An e-waste collector shall deliver e-waste collected from the ward consolidation sites to a designated e-waste sorting site or to the National e-waste recycling plant.	Amend to read as follows; 14. (1) An e-waste collector shall handle e-waste in the prescribed manner. (2) An e-waste collector shall deliver e-waste collected from the ward consolidation sites to a designated e-waste sorting site. or to the National e-waste recycling plant	This is to align with the above proposal. Establishment of recycling facilities is a mandate of the County Governments under Section 17 (b) of the Sustainable Waste Management Act, Cap 387C.

Clause 15 – Responsibilities of the e-waste recycler	15. (1) An e-waste recycler shall reclaim e-waste from National e-waste recycling plant in the prescribed manner. (2) An e-waste recycler who fails to handle or manage e-waste in accordance with this Act commits an offence and shall, on conviction, be liable to a fine not exceeding fifty thousand shilling or imprisonment for a term of six months or both.	Delete the clause entirely.	This is to align with the above proposal. Establishment of recycling facilities is a mandate of the County Governments under Section 17 (b) of the Sustainable Waste Management Act, Cap 387C.
Cause 16 - National e-waste recycling plant	16. (1) The Cabinet Secretary in consultation with the Authority, may establish a National E-waste Recycling Plant by notice in the Gazette. (2) A declaration of the National E-waste Recycling Plant under subsection (1) shall— (a) define the geographical area of the plant to be no less than thirty acres; and (buffer zone of the recycling plant to be no less than a five acre radius. (3) The plant shall be a designated area where recycling of e-waste materials shall be done. (4) The land may be alienated for use of recycling e waste to e-waste recyclers within the plant.	Delete this clause entirely and amend as follows. 16.(1) The County governments may, individually or jointly, enter into inter-county agreements for the establishment and operation of regional e-waste recycling plant. (2) The E-waste Recycling Plant under subsection (1) shall— (a) define the geographical area of the plant to be no less than thirty acres; and	This provision claws back on devolution as establishment of recycling facilities is a mandate of the County Governments under Section 17 (b) of the Sustainable Waste Management Act, Cap 387C. The County Government may undertake a joint regional e-waste plant for economies of scale and promote coordinated investment in accordance with Article 189 of the Constitution and the Intergovernmental Relations Act, Cap 265F. Proposing a single National E-waste Recycling Plant risks centralizing a devolved function and undermines the autonomy of county governments in planning, regulating, and implementing waste management services within their jurisdiction.

		(b) buffer zone of the recycling plant to be no less than a five acre radius. (3) The plant shall be a designated area where recycling of e-waste materials shall be done. (4) The land may be alienated for use of recycling e waste to e-waste recyclers within the plant.	
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C. CONCLUSION;

The Council requests the Committee to consider our proposals favourably to enrich the Bill and e-waste management in the County Governments.



KICTANet
The Power of Communities

Memorandum on The Electronic Equipment Disposal, Recycling and Reuse Bill, 2025

To:

The Clerk, Senate Committee On Lands, Environment And Natural Resources

06th November 2025

06 November 2025

Office of the Clerk of the Senate,
1st Floor, Main Parliament Buildings,
P.O. Box 41842-00100,
Nairobi, Kenya.

Submitted via email to ictcommittee.senate@parliament.go.ke

Dear Sir,

RE: Memorandum on the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025

Greetings from KICTANet.

KICTANet is a multistakeholder think tank for ICT policy and regulation. KICTANet's overall mission is to promote an enabling environment in the ICT sector that is robust, open, accessible, and rights-based.

Attached is our memorandum in response to the call for input to make budget submissions for the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025.

We have included a matrix presentation that captures our concerns, and highlights our proposals on anchoring e-waste management within the Sustainable Waste Management Act, 2022 (SWMA) through targeted subsidiary regulations and institutional consolidation, rather than enacting a parallel statute for your review and consideration.

Should you require any further input or clarifications on the same, do not hesitate to contact the undersigned.

Sincerely,



Dr. Grace Githaiga
**CEO and Convenor,
KICTANet**

1. Executive Summary

This submission presents a critical assessment of the Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 (hereafter, “the 2025 Bill”) in light of Kenya’s existing legal and institutional frameworks governing waste management, particularly the Sustainable Waste Management Act, 2022 (SWMA).

The central position advanced is that the 2025 Bill, while well-intentioned, duplicates existing mandates, creates governance redundancies, and risks legislative inflation. Kenya’s challenge in e-waste management is not the absence of law, but the failure to operationalize and coordinate existing frameworks.

The submission therefore recommends anchoring e-waste management within the SWMA through targeted subsidiary regulations and institutional consolidation, rather than enacting a parallel statute.

2. Background and Context

E-waste represents one of Kenya’s fastest-growing waste streams, with rising environmental, health, and economic implications. The 2025 Bill proposes to establish a national e-waste recycling plant, sorting sites, and ward-level consolidation centres.

However, Kenya already possesses a comprehensive framework that addresses these very issues:

- The Sustainable Waste Management Act (2022) operationalizes Article 42 of the Constitution and embeds e-waste within its hazardous waste provisions.
- The Public Procurement and Asset Disposal Act (2020) governs disposal of obsolete public ICT assets.
- The National E-Waste Management Strategy (2019/20–2023/24) sets strategic and operational priorities.
- The ICT Authority’s e-Waste Kenya Project has demonstrated practical, scalable e-waste solutions.

These instruments collectively provide the legal and institutional machinery for e-waste management. The 2025 Bill thus risks fragmenting governance, diluting accountability, and creating fiscal inefficiencies through new bureaucratic structures.

3. Comparative Matrix : Bill 2025 vs. SWM Act (2022)

Policy Theme	2025 Bill Provisions	SWM Act, 2022 Provisions	Assessment / Implications
1. Legal Scope & Purpose	Creates a stand-alone e-waste law focused solely on electronic equipment.	Treats e-waste as part of the hazardous waste stream within an integrated national framework.	Overlap: E-waste can be managed under existing SWMA provisions through regulations—no new statute needed.
2. Institutional Structure	Establishes a National E-Waste Recycling Plant and ward-level centres.	Empowers NEMA, counties, and private actors to coordinate waste management.	Duplication: New bodies replicate functions already assigned under SWMA.
3. Producer Responsibility (EPR)	Introduces producer take-back obligations.	EPR clearly provided in Sections 13–16 of SWMA.	Concurrence: Objectives align; enforcement should be under SWMA.
4. Governance & Devolution	Centralized national oversight via new plant authority.	Waste management is a county function under the Constitution.	Conflict: Risks breaching devolution principles.
5. Financing & Incentives	Silent on funding mechanisms.	Provides for waste management funds and partnerships.	Gap: SWMA already offers sustainable financing tools.

6. Private / Informal Sector Role	Mentions private participation without a clear framework.	Explicitly integrates informal recyclers and private players.	SWMA stronger: Ensures inclusivity and market participation.
7. Monitoring & Enforcement	Creates new and inspection and compliance units.	Enforcement vested in NEMA and County Governments.	Redundancy: Enforcement roles already operational.
8. Regional & International Alignment	No reference to regional frameworks.	Aligned with EACO Regional E-Waste Strategy and UN WEEE guidelines.	Risk: New law could cause disharmony with East African frameworks.

The SWMA already covers all substantive areas of the 2025 Bill. The proposed Bill adds no new regulatory value but risks duplication, fiscal strain, and constitutional inconsistency. The practical path forward is to issue E-Waste Regulations under the SWMA and operationalize existing mandates.

4. Policy Problem Definition

The real policy gap lies not in law, but in implementation capacity. Kenya's waste governance ecosystem suffers from:

- Weak enforcement of existing laws;
- Poor inter-agency coordination;
- Inadequate funding for county-level operations;
- Limited data on e-waste flows.

Passing a new law risks shifting focus from solving these operational failures to creating additional legal text without practical impact.

5. Recommendations and Way Forward

- 1. Anchor E-Waste Management under the SWMA (2022):** Develop comprehensive E-Waste (Management) Regulations under Sections 13–16 of the SWMA, covering licensing, recycling standards, producer responsibility, and informal sector integration.
- 2. Extend and Update the National E-Waste Management Strategy (2019/20–2023/24):** Renew the strategy to 2030 under the “Zero E-Waste by 2030” framework, ensuring alignment with national circular economy targets and Vision 2030.
- 3. Institutionalize the ICT Authority’s E-Waste Kenya Project:** Scale its model nationwide through public-private partnerships and link its operations to NEMA’s waste registry for data-driven monitoring.
- 4. Consolidate Oversight under NEMA:** Avoid creating new agencies. Strengthen NEMA’s capacity to coordinate e-waste implementation in collaboration with county governments and ICTA.
- 5. Formalize the Informal Sector:** Certify and integrate small-scale refurbishers and recyclers through training, licensing, and incentives under the SWMA framework.
- 6. Adopt Market-Based Incentives:** Introduce recycling credits, producer responsibility fees, and tax rebates for compliant recyclers.
- 7. Build a Unified Digital Tracking System:** Use ICTA’s infrastructure to develop a digital e-waste registry that tracks collection, transport, and recycling, ensuring transparency and accountability.
- 8. Regional and International Alignment:** Align with the EACO Regional E-Waste Strategy and [UN WEEE Guidelines](#) to maintain harmonization and avoid cross-border policy conflicts.

6. Conclusion

Kenya does not face a legislative void in e-waste management; it faces a coordination and implementation gap. The Electronic Equipment Disposal, Recycling and Reuse Bill, 2025 duplicates functions already established under the Sustainable Waste Management Act, 2022 and associated strategies.

Parliament should therefore defer enactment of the 2025 Bill and instead mandate the [Ministry of Environment, Climate Change and Forestry](#) to:

- Issue e-waste management regulations under the SWMA;
- Renew the National E-Waste Management Strategy and policy
- Strengthen institutional coordination and enforcement mechanisms.

The way forward is not more law, but better implementation.

References.

1. National sustainable waste management policy, 2021.
https://ke.chm-cbd.net/sites/ke/files/2024-01/SWM_Policy_2021_final_copy.pdf
2. SPECIAL ISSUE No. 3051, 4th November 2024 (Legislative Supplement No. 85) — Legal Notice No. 176: The Sustainable Waste Management Act (Cap. 387C) — The Sustainable Waste Management (Extended Producer Responsibility) Regulations, 2024.
<https://ke.chm-cbd.net/sites/ke/files/2025-03/The%20sustainable%20Waste%20mgt%20%28Extended%20Producer%20Responsibility%20and%20Water%20quality%29.pdf>