

# Extended Producer Responsibility Regulations 2020 (Draft)

Presented by:  
Isaiah Maina

Presented to:



# WELCOME TO THE EXTENDED PRODUCER RESPONSIBILITY SEMINAR



For questions, please use the chat function and address your comments or questions to the host.

Feel free to ask a question at any point

Officers from The Ministry of Environment and Forestry shall be at hand to address them.

## Outline of presentation

1. Introduction and definitions
2. Objectives of EPR
3. EPR obligations
4. Management: consumer/post Consumer
5. Products under EPR
6. Registration and Licensing
7. Annual operating licensing
8. Workplan
9. Producer Responsibility Organizations

# Introduction

- ▶ Made under EMCA 1999
- ▶ Circular Economy
- ▶ Extended Producer Responsibility- obligation of producer to reduce pollution through ESP of a product in all phases of its lifecycle
- ▶ Environmentally friendly/eco-design

## Definitions

- ▶ Filler
- ▶ Free rider
- ▶ Importer
- ▶ Manufacturer
- ▶ Packer/packaging
- ▶ Producer
- ▶ Post-consumer
- ▶ Waste stream Product
- ▶ PRO
- ▶ Product life-cycle
- ▶ Compliance schemes
- ▶ Take-back
- ▶ Waste treatment
- ▶ Waste management

# Introduction

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## What is Extended Producer Responsibility (EPR)?



# Objectives of EPR Regulations

- ▶ Provide for mandatory extended producer responsibility schemes for Schedule 1 products and packaging through;
  - 1) Reduction of pollution and environmental degradation
  - 2) Sustainable use of natural resources
  - 3) Promotion of circular economy
  - 4) Promotion of environmentally friendly products; cleaner production designs
  - 5) Promotion of culture of environmental consciousness and responsibility
  - 6) Inclusion of environmental costs of end-of-life

# EPR Obligations

- ▶ Every producer shall bear EPR obligation for products at all stages individually or collectively
- ▶ Producers remain primarily obligated for management of their products at all times
- ▶ Pre-consumer and consumer stage
  1. Sourcing and use of raw material
  2. Design-out waste
  3. Minimize waste
  4. Facilitate reparability, upgradability, durability, recyclability, ease of disassembly etc. through life cycle assessments (LCA)
  5. Put in place circular economy initiatives or any other measures (cleaner production)
  6. Information, education and awareness
- ▶ Post-consumer stage;
  1. Financial and/or physical responsibility for **management of products**
  2. **Target setting for refurbishment, remanufacturing, repair, upgrading, recycling etc.**
  3. Provide updated information on quantities, reusability and recyclability, and role of consumers in management of products
  4. Interpretation of packaging labels
  5. Traceability mechanisms
  6. Any other information that may be prescribed from time to time
  7. Registration and status reports regarding execution of EPR obligations

# Management; Consumer & Post Consumer

- ▶ Product as a service
- ▶ Sharing
- ▶ Maintain/prolong
- ▶ Reuse/redistribute
- ▶ Refurbishment/remanufacture
- ▶ Collection (segregation)
- ▶ Transportation
- ▶ Recycle



## Products under EPR

Outlined in Schedule 1.

- ▶ Negatively impact the environment and human health
- ▶ Pose significant challenges to reuse, refurbishment, remanufacturing, repair, product sharing, and industrial symbiosis
- ▶ Require high management costs due to;
  1. Quantities involved
  2. Hazardous nature
  3. Health risks
  4. Cost of treatment



## List of Products

- ▶ Packaging materials
- ▶ Composites
- ▶ Agricultural film
- ▶ Batteries
- ▶ Oils
- ▶ Metals
- ▶ Plastic products
- ▶ Glass
- ▶ Electrical and electronic equipment
- ▶ Furniture
- ▶ Graphic paper
- ▶ Mercury auto switches and thermostats
- ▶ Paints
- ▶ Pharmaceutical products including packaging
- ▶ Textiles
- ▶ Tyres
- ▶ Vehicles

# Registration and Licensing

- ▶ Must meet registration criteria
- ▶ Interim permit valid for 90 days pending registration
- ▶ Producer responsibility registration valid for 4 years
- ▶ Individual Producer Responsibility No (IPRN)
- ▶ Producer Responsibility Organization No (PRON)
- ▶ Maintenance of a public register individual and producer responsibility organizations
- ▶ Annual operating license

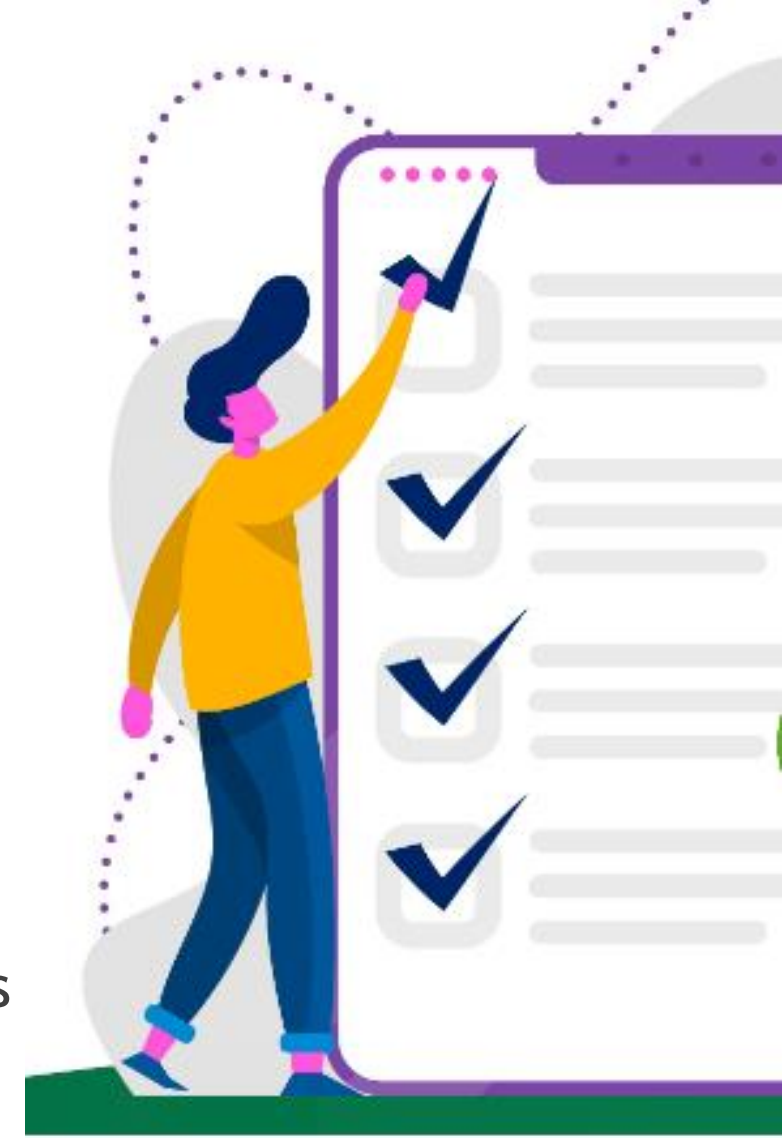


# Annual Operating License

- ▶ Performance of standards set out in workplan
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- ▶ Fulfilment of reporting obligations
- ▶ Honoring agreements in pooled schemes
- ▶ Assessed as being in good standing by authority
- ▶ May be revoked, suspended or cancelled for non performance

# Workplan

- ▶ Baseline for products and packaging handled
- ▶ Minimum targets
- ▶ Collection, logistics, recycling, and composting systems
- ▶ Modulation of EPR fees
- ▶ Public awareness and consumer education and information program
- ▶ Verifiable list of paid up members
- ▶ List of service providers and actors
- ▶ Eco-design guidelines for products under PRO
- ▶ Mechanism for eliminating banned or hazardous substances products
- ▶ Annual reporting mechanism
- ▶ Monitoring mechanism including product traceability systems
- ▶ Model of financing



# Producer Responsibility Organizations ( PRO's)

- ▶ Registered as a company with members having equal shares
- ▶ Execute EPR obligations on behalf of its members
- ▶ Enter into formal agreements with actors in its value chain
- ▶ Assumes full or partial the organizational and management responsibility for products post-consumer
- ▶ Levy EPR fees calculated based on set parameters
- ▶ Products having a bigger footprint shall attract higher fees than environmentally friendly products
- ▶ Governance mechanisms put in place by members
- ▶ One PRO per waste stream
- ▶ Not for profit
- ▶ Market development for secondary raw materials
- ▶ Monitoring of members for compliance
- ▶ Hold and annual members meeting



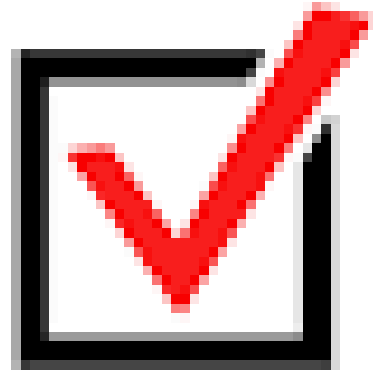
# Offences and Penalties

- ▶ Failure to demonstrate progress towards set targets; may attract a ban of product
- ▶ False declarations on quantities held or managed
- ▶ A producer who is not a member of a PRO and does not fulfil EPR obligations individually
- ▶ Offenders liable upon conviction to a fine <2 million, <2 years imprisonment or both





# PLENARY and WAY FORWARD.





The webinar Continues for 20 Minutes to field questions and comments from participants.

For a summary of the proceedings please send an email, Subject: EPR to [info@agrochem.co.ke](mailto:info@agrochem.co.ke)