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Policy and Regulatory Futures for Ending Plastic Pollution

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- 01** Plastic Bag Ban for Secondary Packaging (2017)
- 02** Plastic Bag Control and Management Regulations (2018)
- 03** Ban on Single Use Plastics in Protected Areas (2020)
- 04** National Sustainable Waste Management Act (2022)
- 05** Nairobi City Council Solid Waste Management Act (2015)
- 06** Polyethylene Terephthalate (PET) Task Force (2017)

Gaps in Legislative Framework

01

There is currently an inadequate focus on the life-cycle of plastics, as many laws and regulations only address end-of-life management rather than taking a comprehensive life-cycle approach.

02

Additionally, operational frameworks required by these laws may never come into effect, rendering them ineffective.

03

The existing legislation also lacks a focus on promoting sustainable alternatives, and instead solely emphasizes better product design.

04

Furthermore, financial incentives provided by the law only target material recovery and recycling, neglecting sustainable alternatives.

05

The implementation of the Extended Producer Responsibility (EPR) scheme has been slow to materialize.

06

Similarly, the scope of the ban on plastic bags and single-use plastics in protected areas is open to interpretation, particularly in relation to "other related products."

07

Emergent problems such as microplastics and harmful chemicals in plastic, which can have adverse effects on human health, are not adequately addressed by the current legislation.

08

Finally, the law fails to officially recognize the work of waste pickers and has not integrated them into the new Sustainable Waste Management Measures.

What outcomes do we expect to see nationally from policy and regulation to End Plastic Pollution?

01

Control measures on the production, use, and trade of plastics nationally.

02

Ban and phase out the presence of toxic chemicals in plastics

03

Ensure the protection of human rights in legislation from the impacts of plastics along the life cycle

04

End of illegal waste trade and dumping in the Kenya

05

Protection of all ecosystems from the harms of plastics across the life cycle

06

End the production, use, and release of microplastics and nano plastics

07

A just transition, through sustainable approaches like non-toxic redesign, the creation of new jobs, and the integration of the informal waste sector

What are the key elements needed in legal frameworks to achieve these outcomes?

01

Transversal principles of human rights protection, polluter pays, and precautionary principle across the life cycle of plastics

02

A law whose objective is inclusive of ending plastics pollution and its harms to both human health and environment, covering the full life cycle of plastics

03

Core obligations for national government, county government and industry that include:

- Control measures on the production, use, and trade of plastics
- Ban and phase out the presence of toxic chemicals in plastics
- Promoting traditional and/or sustainable systems, including reuse and refill
- Transparency and disclosure of plastics' constituent chemicals across the supply chain

04

Implemented through:

- Participatory assessment, development, and adoption of a National Action Plan with elements addressing the full plastics life cycle, including production, trade, use, and environmentally sound waste management.
- Participatory localization of the National Action Plan by counties that respond to their different circumstances into County Action Plans
- Transparent reporting and publication of National Action Plans and County Action Plans, including implementation.
- Harmonized standards and guidelines across the country for environmentally sound plastic waste management.
- Implementation of incentives that support innovation of sustainable alternatives to plastic.
- Strong enforcement mechanisms that apply disincentives and penalties to ensure compliance with laws, regulations, rules, standards.

05

Implemented with:

- Sustainable and robust funding.
- Capacity building for effective national action planning and implementation
- The mobilization of private and public finance to support a just transition
- Transfer and exchange of knowledge and proven, non-toxic, and sustainable technologies

