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REPUBLIC OF KENYA

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NATIONAL ASSEMBLY BILLS, 2021

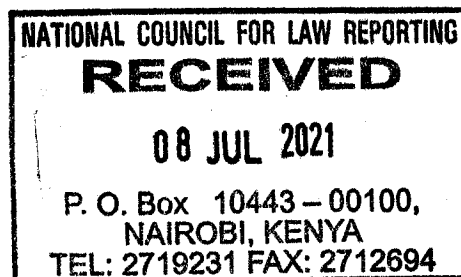
NAIROBI, 12th May, 2021

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**THE SUSTAINABLE WASTE MANAGEMENT BILL,
2021**

A Bill for

AN ACT of Parliament to establish the legal and institutional framework for the sustainable management of waste; ensure the realisation of the constitutional provision on the right to a clean and health environment and for connected purposes

ENACTED by the Parliament of Kenya as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Sustainable Waste Management Act, 2021. Short title.
2. In this Act, unless the context otherwise requires— Interpretation.
- “Authority” means the National environment Management Authority established under section 7 (1) of the Environmental Management and Co-ordination Act, 1999; No. 8 of 1999.
- “Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to waste management;
- “National Environment Complaints Committee” means the National Environment Complaints Committee established under section 31 (1) of the Environmental Management and Co-ordination Act, 1999;
- “Council” means the Waste Management Council established under section 6 (2);
- “domestic waste” means waste, other than hazardous waste, generated from a domestic residence;
- “extended producer responsibility measures” means measures that extend a person’s or a firm’s financial or physical responsibility over a product up to the consumer stage of the product including—
- (a) waste minimisation programmes;
 - (b) deposit-refund and take-back schemes;
 - (c) financial arrangements for any fund established for the promotion of reduction, reuse, recycling or recovery of waste;

(d) awareness programmes to inform the public on the impacts of waste emanating from the product on health and the environment; and

(e) any other measures to undertaken for the reduction of the potential impact of the product on health and the environment;

“industrial waste” means waste arising from processing or manufacturing or any trade undertaking in the form of liquid, non-liquid, solid or gaseous substances;

“materials recovery facility” means a specialised facility that receives, separates and prepares recyclable material for marketing to end user manufacturers;

“National Environment Tribunal” means the National Environment Tribunal established under section 125 (1) of the Environmental Management and Co-ordination Act, 1999;

“payment for environmental services” and “payment for ecosystem services” mean payments to farmers or land users to encourage the conservation of natural resources;

“pollution” has the meaning assigned to it under section 2 of the Environmental Management and Co-ordination Act, 1999;

“private sector entity” a person, firm or corporate entity with functions of a private nature including entities registered under the Public Benefits Organisations Act, 2013;

No. 18 of 2013.

“public entity” means—

- (a) the government including the national and county governments, or any State organ, department, agency, service or undertaking of a national or county government;
- (b) Parliament or a county assembly;
- (c) any corporation, council, board, committee or other body which has power to act under or for the purposes of any written law relating to undertakings of public utility or otherwise to administer funds belonging to or granted by the government or monies raised by rates, taxes or charges in accordance with such law; or