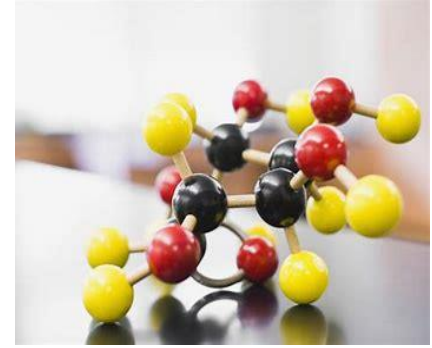


Intergovernmental Negotiating Committee on Plastic Pollution



# ***Regulating Chemicals And Polymers Of Concern In Plastics - National Level Perspectives KENYA***

Webinar 4: Identifying chemicals and polymers of concern

12 September 2023, 16:00 to 17:30 EAT (Nairobi)

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**MAZINGIRAYETU**  
**UHAIWETU**  
**WAJIBUWETU**



**nema**  
mazingira yetu | uhai wetu | wajibu wetu

# 1. Environment Management and Coordination Act

- Its the principle Environmental Law of Kenya.
- Its a framework law providing for development of specific regulations, in this case:
  - ✓ Toxic and Hazardous Chemicals and Materials Regulations
  - ✓ Waste management regulations, and
  - ✓ Plastics Bags Control and Management Regulations



## 2. Toxic and Hazardous Chemicals and Materials Management Regulations

It shall apply to:

- ✓ Toxic and Hazardous Chemicals : Industrial purposes
- ✓ Toxic and Hazardous Materials : e.g. Chemicals in Products / plastics
- ✓ Manufacture, Exportation, Importation, Storage, Distribution, Transportation, Handling, and Disposal.



## 2. Toxic and Hazardous Chemicals and Materials Management Regulations

It shall implement the provisions of:

- ✓ the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and
- ✓ the Stockholm Convention on Persistent Organic Pollutants



## a). Classification

Chemicals and materials classified in accordance to criteria in **First Schedule** based on:

1. Physical Hazards Characteristics – (eg Explosive)
2. Health Hazards – (Toxicity to mammals)
3. Environmental Hazards / Acute Ecotoxicity
4. Carcinogenic, Mutagenic and Teratogenic Effects
5. Mixtures



## b). Registration

- NEMA shall establish and maintain a REGISTER of toxic and hazardous chemicals and materials.
- No person or firm shall manufacture, import or export *unless the chemical is registered.*

| CHEMICAL REGISTER |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
|-------------------|-------------------|----------------------------|----------|---------------------------|-----------------|-------------------------|---------------------|----------------|-----------------------|---------------------------|---------------|--------------------|------------|
| Insert Logo       |                   | Instructions               |          | Volume of Dangerous Goods |                 | CHEMICAL REGISTER       |                     |                |                       |                           |               |                    |            |
| Sr.               | Product Name      | Vendor / Manufacturer      | Quantity | Location                  | SDS Information |                         |                     |                |                       |                           |               |                    |            |
|                   |                   |                            |          |                           | SDS Available   | Issue Date (DD/MM/YYYY) | Hazardous Substance | Dangerous Good | Dangerous Goods Class | Description               | Packing group | Subsidiary Risk(s) | Consequent |
| 1                 | Tarnel Gel        | Hallburton Poton Australia | 5000     | LTE                       | Yes             | 12-Dec-16               | Yes                 | Yes            | 3                     | Flammable Liquid          | II            | Insignificant      |            |
| 2                 | Bertronite        | Hallburton Poton Australia | 2000     | LTE                       | Yes             | 12-Oct-17               | Yes                 | Yes            | 4.2                   | Spontaneously Combustible | II            | Major              |            |
| 3                 | Calcium Chloride  | Hallburton Poton Australia | 10000    | LTE                       | Yes             | 12-Dec-17               | Yes                 | Yes            | 6.1                   | Toxic                     | II            | Severe             |            |
| 4                 | Sodium Bromide    | Hallburton Poton Australia | 10000    | LTE                       | Yes             | 30-Dec-17               | Yes                 | Yes            | 8                     | Corrosive                 | II            | Severe             |            |
| 5                 | Hydrochloric Acid | Hallburton Poton Australia | 20000    | LTE                       | Yes             | 23-Oct-18               | Yes                 | Yes            | 8                     | Corrosive                 | II            | Severe             |            |
| 6                 |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 7                 |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 8                 |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 9                 |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 10                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 11                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 12                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 13                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 14                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 15                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 16                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 17                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 18                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 19                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 20                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 21                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 22                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 23                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 24                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 25                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 26                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |
| 27                |                   |                            |          |                           |                 |                         |                     |                |                       |                           |               |                    |            |



## c). Labelling and Packaging.

- An appropriate label must be attached on the container.
- Information to be printed in English and / or Kiswahili.
- Label information shall inform:
  - ✓ Storage, distribution, Transportation or handling.



## d). Distribution, Storage, Transportation and Handling

- Licensing requirements for distributors, storage and transport.
- Transportation safety requirements: PPE, First Aid, TREM Card.
- Air transport will be based on *International Civil Aviation Organisation*.
- Inland Water and Sea transport will be based on *International Maritime Dangerous Goods Code and Agreements*.





## e.) Disposal of Chemicals and Material Wastes

Plastic waste disposal applicable laws:

- Waste Management Regulations, 2006.
- Sustainable Waste Management Act.
- Extended Producer Responsibility regulations.
- Plastics Bags Control and Management Regulations.
- Gazette Notice.



### 3. Waste Management Regulations.

It implements:

- the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal,
- Chemicals of concern in plastics are *categorized as hazardous*, in the Fourth Schedule or
- Hazardous characteristics of Chemicals of concern in plastics are provided in the Fifth Schedule.



## 4. The Sustainable Waste Management Act, 2022.

Its provides for:

- the sustainable management of waste.
- *the creation of extended producer responsibility schemes.*
- *a circular economy* for the reduction of waste.
- take back schemes,
- the labelling of products that may cause pollution,
- the creation of material recovery facilities in every county, and;
- the creation of incentives to encourage recycling.

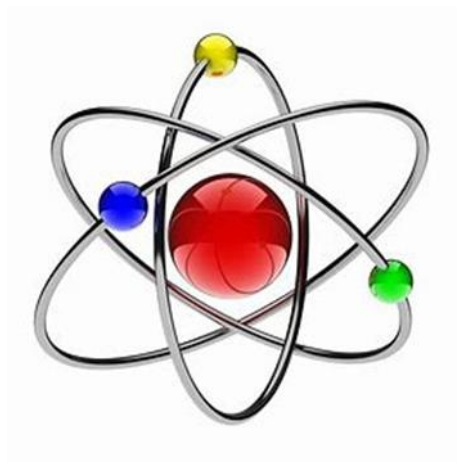


## 5. Extended Producer Responsibility Regulations

Every **producer** :

- shall bear EPR obligation to reduce pollution and environmental impacts of the product that they introduce in the market
- Design products and packaging materials that minimize waste, facilitate reuse, recycling, recovery and are environmentally friendly at their end of life.

It applies to **individual compliance schemes** and **producer responsibility organisations** for the products listed in the First Schedule.



## 5). List of products and packaging subject to EPR compliance scheme

- Composites
- Agricultural film
- Batteries
- Oils and Lubricants
- Aluminium products
- Plastic products
- Glass
- Electrical and Electronic Equipment (EEE)
- Furniture
- Paper & Carton
- Mercury Auto Switches and thermostats
- Paints
- Pharmaceuticals products including packaging
- Textiles
- Tyres
- Automobiles
- Leather



## 6. Plastics Bags Control and Management Regulations

- It applies to plastic bags used for packaging.
  - ✓ plastic carrier bags
  - ✓ plastic flat bags
- It prohibits manufacture, import, export, use or offer for sale plastic carrier bags / plastic flat bags.
- Plastic packaging materials shall be disposed in accordance with the Waste Management Regulations





## 5. Challenges

- i. No specific standards for molecules or polymers in plastics.
- ii. Technology for monitoring, detection and analysis.
- iii. Capacity for compliance and enforcement.
- iv. Non recyclable polymer types and chemical additives.
- v. Most of the laws are drafts almost becoming law.





End



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Thank You



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