# **Policy Recommendations:** Strengthening Refill and Reuse Systems in Kenya's Environmental Framework

## Background and Context

Kenya has made significant progress in environmental governance through the Environmental Management and Coordination Act (EMCA, 1999), the Sustainable Waste Management Act (2022), and most recently, the Sustainable Waste Management (Extended Producer Responsibility) Regulations (2024).These frameworks establish the right to a clean and healthy environment and assign producers responsibility for managing the environmental impacts of their products throughout their life cycle.

However, despite these advances, these multiple policy, legal and regulatory frameworks remain largely focused on recycling and post-consumer waste management, rather than preventing waste through systemic refill and reuse solutions. While reuse is mentioned conceptually in EPR regulations, they are not yet supported through specific mandates, standards, or incentives. This creates a critical policy gap especially as Kenya grapples with growing plastic pollution, rising consumer packaging waste, and limited circular infrastructure. Unclear boundaries exist between county waste collection mandates and Producer Responsibility Organisations (PROs) operating take-back schemes in municipal areas. Waste management is a devolved function managed by County Governments under the 2010 Constitution. However, the 2022 Act and 2024 EPR rules are nationally driven via NEMA. Many counties lack the institutional capacity, local legislation, or revenue-sharing frameworks to align with national EPR collection models.

# Problem Statement

Kenya's packaging waste problem is worsening due to:

1. Overreliance on single-use packaging, even where reuse is technically and economically viable.
2. Lack of operational standards for refill and return systems, leading to uncertainty for producers and innovators.
3. Weak incentive alignment, current EPR fees and enforcement mechanisms focus on collection and recycling targets, not waste prevention through refill and reuse systems.
4. Limited integration of informal waste pickers and community-based actors in circular systems.
5. Enforcing compliance across tens of thousands of small and medium enterprises (SMEs)—who qualify as "producers" under the broad legal definition—strains regulatory oversight capacity.

# Policy guidelines objective

To mainstream refill and reuse systems into Kenya's environmental policy and regulatory framework as a key strategy for waste prevention, circular economy, and green jobs creation complementing existing recycling and recovery measures.

**Policy Recommendations**

*The views below were gathered from stakeholders across civil society, Business,waste workers and Producer responsibility organisations.*

To achieve the reality of refill and reuse systems, mainstreaming and adoption, below are views from the stakeholders.

**There is need for regulatory strengthening of the existing laws by:**

a) Development of a National Refill and Reuse Framework under the Sustainable Waste Management Act (2022):

- Defining refillable packaging standards including chemicals used in making plastics products for refill, product safety, labelling, and hygiene protocols.
- Provide a legal basis for deposit-return systems (DRS) for beverage, detergent, and edible oil containers.
- Set quality and traceability standards for reusable containers (material durability, sterilisation, tracking).

b) Amending the EPR Regulations (2024) to:

- Introduce mandatory refill/reuse targets by product category.
- Differentiate between reuse, refill, and recycling to ensure clear performance metrics.
- Require producers to report annually on refill/reuse performance and infrastructure investments.
- Imposing significant fines on companies who do not comply with the EPR regulations

c) Enact County Level circular packaging by-laws that addresses the special needs of the counties by empowering the communities to set up refill stations. Many counties lack the institutional capacity, local legislation or revenue-sharing frameworks to align with national EPR collection models.

d) Set localized reuse targets, integrating informal waste actors and small businesses. Informal waste pickers collect a vast majority of recyclable materials in Kenya. While the framework recognizes them, it lacks concrete legal and financial pathways to formally contract, protect, or fairly compensate informal workers within registered PRO schemes.

## There is need for economic and market incentives including tax Incentives and subsidies by:

- Offering VAT exemptions or tax rebates on refillable packaging materials and equipment e.g., refill dispensers, durable containers.
- Providing public financing or blended finance for refill pilot projects, particularly for SMEs.
- Leveraging public procurement that will require public institutions like schools, hospitals, offices to procure refill based products where feasible like cleaning products, water dispensers and beverages.

## Operationalisation of Deposit-Refund Schemes (DRS) for refill products:

- Starting with beverages and cleaning products.
- Assigning stewardship to producer responsibility organisations (PROs) under NEMA oversight.
- Ensuring equitable participation of waste workers in community collection and cleaning/sterilization centres.
- The regulations require high recovery and recycling rates, but local industrial recycling capacity for materials like hazardous packaging, specialised e-waste, and multi-layer flexible plastics remains insufficient.

**Standardizing Refill and Hygiene Protocols;** The Ministry of Environment in collaboration with the Kenya Bureau of Standards (KEBS) and the Ministry of Health should develop and publish refill and reuse safety and sanitation standards for food, dairy, detergents and cosmetics.
The Ministry of Environment in collaboration with the Ministry of Trade and County Governments to enable regulatory approval for licensed refill stations and product concentration standards.

## Monitoring, Reporting, and Verification (MRV) through:

- Developing digital tracking and verification systems for refill containers using barcodes or QR codes.
- Requiring PROs to publish annual data on refill volumes, return rates, and reuse performance.
- A centralized, standardized national waste database with verified baseline statistics on market placement volumes, accurate collection/recycling targets and verifying EPR fee declarations without relying heavily on self-reporting by producers.

## Piloting and Scale existing Refill Hubs by:

- Partnering with supermarkets, refill start-ups, and local cooperatives to establish refill hubs in urban centres.
- Provide seed funding and technical support for proof-of-concept pilots (e.g., detergents, cooking oil, beverages).

## Consumer Awareness Campaigns and Inclusive circular economy by:

- Conducting nationwide campaigns on the benefits of refill and reuse, linking with the national waste segregation initiative through school curriculum and initiatives.
- Educating consumers on how to safely participate in refill systems and earn deposit returns.
- Recognising and formally integrating informal waste workers as collection partners within the PRO system and offering training and safety equipment for their participation in collection, sorting, and refill logistics.

## What initial products Can Transition to Refill and Reuse

A number of products are already transitioning towards refill and reuse. We recommend that the following lists should be considered as the first items to transition.

1. Beverages plastic bottles-water, juice, soda, milk
2. Cleaning products - detergents, liquid soaps, disinfectants,bar soaps.
3. Sachets - Washing powder, tea bags
4. Personal care products - shampoos, conditioners, lotions
5. Dry food items - grains, cereals, spices
6. Plastic wraps - sweets,ice pops,cling film.
7. Sanitary products - diapers, sanitary pads
8. Plastic tubes - toothpaste,ointments
9. Cooking oils
10. Stationery - pens

The outcomes of these recommendations will:

- Reduce single-use packaging waste and plastic pollution at source.
- Create new circular economy jobs through refill logistics, cleaning, and container production.
- Strengthen compliance with Kenya's constitutional right to a clean and healthy environment (Art. 42, 69).
- Support Kenya's transition to a zero-waste economy aligned with the African Union's Circular Economy Action Plan and SDG 12 (Responsible Consumption and Production).
- Position Kenya as a regional leader in refill and reuse innovation in Africa.

### References


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