

**PARLIAMENT OF KENYA
THE SENATE**

SENATE BILLS DIGEST

**THE ELECTRONIC EQUIPMENT DISPOSAL, RECYCLING AND REUSE
BILL, 2025
SENATE BILLS NO. 5 of 2025**

Sponsor:	Sen. Peris Tobiko
Date of Publication:	9 th May, 2025
Date of First Reading:	Tuesday 23 rd September, 2025
Committee referred to:	Standing Committee on Information, Communication and Technology
Type of Bill:	Ordinary Bill.

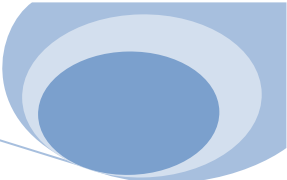
1. PURPOSE OF THE BILL

The principal object of the Bill is to establish a legal framework for the environmentally safe disposal, recycling and reuse of electronic waste (e-waste) in Kenya. The Bill is further seeking to establish a National E- Waste Recycling Plant, e-waste sorting sites at county level and e-waste consolidation sites at ward level.

2. BACKGROUND OF THE BILL

Article 42 of the Constitution sets out that every person has the right to a clean and healthy environment which includes the right to have the environment protected for the benefit of present and future generations through legislative measures. It is therefore on this basis that the Bill has been published.

It is also important to note that Kenya produces over 3,000 tonnes of e-waste annually, which is often mixed with regular waste.



E-waste, if not properly handled, releases harmful substances like lead and mercury which can lead to various public health crises. This Bill therefore aims to protect the environment and human health through creating a legal framework for the classification and handling of e-waste. The implementation of this Bill will consequently create green jobs in e-waste management.

3. OVERVIEW OF THE BILL

Object and Purpose

The object and purpose of the Bill is to –

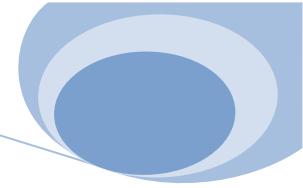
- (a) ensure safe, sustainable disposal, recycling, and reuse of electronic equipment;
- (b) promote public health by proper e-waste handling; and
- (c) support job creation in the green economy.

The Bill is further guided by the constitutional provisions on every citizen's right to a clean and healthy environment and seeks to treat e-waste as a resource for employment, wealth creation, and pollution reduction.

What are the functions of the National Government in regulating E-Waste under the Bill?

The Bill sets out that, the National Government, through the Cabinet Secretary shall –

- (a) develop a policy on e-waste management in consultation with the Council of Governors;
- (b) classify e-waste;
- (c) coordinate adherence to international obligations on e-waste management;
- (d) in consultation with the National Environment Management Authority (NEMA), develop strategies for proper e-waste disposal and management and mobilise resources for financing of the e-waste management sector;



- (e) develop standards and guidelines on health measures to be taken by an e-waste practitioner;
- (f) monitor the whole value chain of e-waste management from collection to disposal and propose measures to ensure efficiency;
- (g) licence national e-waste recycling plants; and
- (h) conduct public education and awareness.

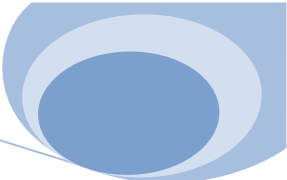
The Cabinet Secretary shall further have powers under this proposed Bill to –

- (a) determine and impose levy rates, charges and fees for any service performed under the Act or for the grant, renewal or validation of a licence, permit or certificate;
- (b) manage control and administer assets;
- (c) receive gifts, grants, donation or endowments made and make disbursements from them; and
- (d) invest any funds not immediately required by the act, subject to the approval of the Cabinet Secretary for finance and further open a bank account into which all moneys received shall be paid into and out of which all payments shall be paid.

What are the functions of the County Government in regulating E-Waste under the Bill?

The Bill has tasked the County Government, through the County Executive Committee Member with the responsibility of—

- (a) advising the governor on national government policies on e-waste management.
- (b) prepare county e-waste management plans and allocate necessary funds;
- (c) establish an e-waste sorting site in each county;
- (d) establish ward consolidation sites in each ward where residents can drop off their electronic waste;
- (e) prepare a quarterly monitoring report on e-waste management;
- (f) create an inter-county transportation and disposal framework;
- (g) register and licence e-waste collectors in the county;
- (h) maintain a register of all e-waste collectors;

- 
- (i) enforce national and county legislation on e-waste management;
 - (j) inspect e-waste sorting sites;
 - (k) maintain data on e-waste management service provision by e-waste collectors and share the information at least once in each year through the national waste information system established under the Sustainable Waste Management Act;
 - (l) implement standards and guidelines on health measures to be considered when handling e-waste;
 - (m) monitor e-waste collection and disposal strategy in the county; and
 - (n) conduct e-waste public education and awareness.

What duty or responsibility does a person generating e- waste have under the Bill?

A person generating e-waste shall dispose of the waste at the designated ward consolidation site in their respective ward in the county. A person who fails to observe this shall have committed an offence and on conviction, shall be liable to a fine not exceeding twenty thousand Kenya Shillings or imprisonment for a term not exceeding six months or both.

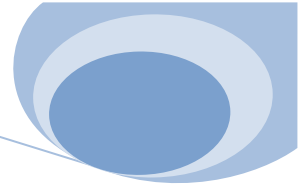
Does a person operating as an e-waste collector require a licence?

Yes. The Bill sets out that a person shall not operate as an e-waste collector unless they apply for and obtain a licence from the respective county government in which the business will be undertaken.

Failure to obtain a licence, is an offence under the Bill and upon conviction, a person shall be liable to a fine not exceeding fifty thousand Kenya Shillings or imprisonment for a term not exceeding six months or both.

How does one apply for a licence to operate as an e-waste collector?

An applicant shall submit an application to the respective county executive committee member, through a prescribed form together with the prescribed fees for consideration.



How is the application processed?

The county executive committee member will review the application within a set period as shall be set out in county legislation. The county executive committee member may thereafter grant a conditional or unconditional licence or reject the application and inform the applicant within fourteen days.

Where an application has been rejected, the county executive committee member shall specify the reason for refusal when notifying the applicant.

Is the Licence transferable?

No. A licence issued to an e-waste collector shall not be transferable.

What are the requirements for operating as an e-waste recycler?

The Bill sets out that a person operating as an e-waste recycler must apply for and obtain a licence from the Cabinet Secretary responsible for matters environment.

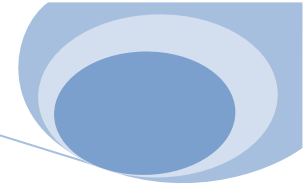
The application must be submitted in the prescribed form and accompanied by the required fees.

How is the application processed?

Once received, the Cabinet Secretary will consider the application within the period set out in subsidiary regulations and may either grant the licence (with or without conditions) or reject the application.

The applicant must be informed of the decision within fourteen days, and if the application is rejected, the Cabinet Secretary must give written reasons for the refusal.

Licenses issued under this section are valid for one year and are not transferable. Anyone who operates as an e-waste recycler without the required licence commits an offence and,



upon conviction, is liable to a fine not exceeding fifty thousand shillings, imprisonment for up to six months, or both.

What will be the duration of validity of the e-waste collector and e-waste recycler licences?

The e-waste collector and e-waster recycler licences shall each be valid for a period of one year.

Is there an appeal process through which an aggrieved applicant/licensee can seek redress?

Yes. Where an applicant or a licensee is dissatisfied with the decision of the Cabinet Secretary or the county executive committee member not to issue a licence or to cancel a licence, they may make an application for judicial review to a court of competent jurisdiction within thirty days of the decision.

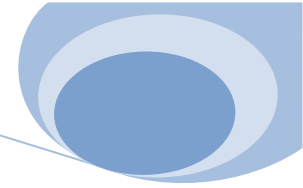
What are the circumstances under which a license may be cancelled?

The Cabinet Secretary or the county executive committee member may cancel a licence if the licensee fails to meet any of the conditions attached to the licence, fails to comply with the provisions of the Act or its regulations, or voluntarily surrenders the licence with a written request for cancellation.

What are the responsibilities of an E-Waste Collector under the Bill?

Collectors are required to handle e-waste in the prescribed manner and must deliver all collected e-waste from ward consolidation sites to designated e-waste sorting sites or the National E-waste Recycling Plant. If a collector fails to handle or manage e-waste in accordance with the Act, they commit an offence and, upon conviction, are liable to a fine not exceeding fifty thousand shillings, imprisonment for up to six months, or both.

What are the responsibilities of an e-waste recycler?



A recycler shall reclaim e-waste from the National E-waste recycling plant in the prescribed manner and failure shall be an offence which upon conviction shall be liable to a fine not exceeding fifty thousand shillings or imprisonment for a term of six months or both.

The Bill seeks to establish a National E-Waste Recycling Plant, how will this be done?

The Cabinet Secretary for matters environment, in consultation with the National Environment Management Authority (NEMA), will establish the plant through a notice in the Gazette.

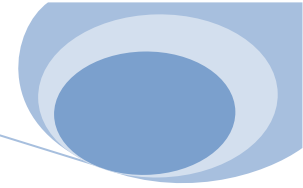
The plant will be required to occupy an area of at least 30 acres, with a buffer zone of not less than 5 acres around it. It will serve as the designated site for the recycling of e-waste materials and land within the plant may be allocated to licensed recyclers for their operations.

The Bill seeks to establish E-Waste sorting sites in counties, how will this be done?

County Governors, acting on recommendations from their respective county executive committee members, may establish e-waste sorting sites through a Gazette notice. Each site must cover at least 5 acres, with a buffer zone of at least 2 acres. These sites will be used for the purposes of receiving, storing, and sorting e-waste before it is transported for recycling.

The Bill seeks to establish Ward Consolidation Sites in county wards, how will this be done?

The Bill has established ward consolidation sites, where residents can drop off their electronic waste. Governors may declare these sites by Gazette notice, based on county executive committee recommendations. Each site must occupy a minimum of 1 acre, with a buffer zone of at least 1 acre.



How will the National E-Waste Recycling Plant, County E-Waste sorting sites and ward consolidation sites be administered?

The Bill mandates the Cabinet Secretary, in consultation with NEMA and the Council of County Governors, to set standards, guidelines, and requirements for the establishment and operation of the National E-waste Recycling Plant, county e-waste sorting sites, and ward consolidation sites. This will ensure consistency, safety, and environmental compliance across all facilities.

Are the provisions on subsidiary legislation by the Cabinet Secretary?

Yes. The Bill gives the Cabinet Secretary, in consultation with the Council of County Governors, the power to make regulations to support the effective implementation of the Act.

These regulations shall cover procedures for safe and sustainable e-waste management, strategies to expand the market for recycled products, and the creation of incentives and government procurement preferences to promote the use of pre- and post-consumer recycled materials.

They may also address health, safety, and environmental standards, including labour and operational standards for collectors, sorting sites, and consolidation sites, as well as the classification of different types of e-waste. The Cabinet Secretary may issue any other regulations necessary for the better carrying out of the Act's provisions.

Can counties enact legislation to operationalize the Bill when enacted?

Yes. County governments may enact their own county-specific legislation on e-waste management. This gives counties the flexibility to develop legal frameworks tailored to their local needs while aligning with the national legal framework established by the Bill.

4. WAY FORWARD

What next?

Pursuant to standing order 140(5) of the Senate Standing Orders, the Standing Committee on Information, Communication and Technology shall facilitate public participation and shall take into account the views and recommendations of the public when the Committee submits its report to the Senate.

What is expected of the members of public?

The members of the public are expected to present their views to the Standing Committee on Information, Communication and Technology for its consideration.

Next steps

The Bill was Read a First Time in the Senate on 23rd September, 2025. Pursuant to standing order 148 of the Senate Standing Orders, the Committee is required to submit its report to the Senate within thirty (30) calendar days of the committal of the Bill to the Committee, therefore, by **23rd October, 2025.**

Any comments on the Bill may be submitted to the Office of the Clerk of the Senate, 1st Floor, Main Parliament Buildings, Nairobi, Kenya, through P.O. Box 41842-00100, Nairobi, Kenya or email: ictcommittee.senate@parliament.go.ke

Note:

1. The Digest reflects the Bill as published and does not cover any subsequent amendments to the Bill.
2. The Digest does not have any official legal status.