



**Centre for Environment
Justice and Development**

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Inclusion of Waste Pickers in Kenya's Extended Producer Responsibility (EPR) Systems

Policy Brief



Background

Globally, plastic consumption and mismanagement of plastic waste have continued to rise, resulting in significant environmental, social, and economic impacts. Plastics have been found in aquatic and terrestrial ecosystems, often causing lethal harm to animals through entanglement or ingestion, while also contaminating soils and water systems through hazardous chemicals. These impacts have prompted the adoption of circular economy strategies such as reducing, reusing, and recycling plastics, with **Extended Producer Responsibility (EPR)** emerging as a promising policy tool to internalize the costs of waste management and reduce pollution.

EPR shifts the financial and, in some cases, operational responsibility of managing post-consumer products from taxpayers and municipalities to the producers who place products on the market. By operationalizing the “polluter pays” principle, EPR creates incentives for producers to design more sustainable products and packaging, while contributing to improved waste management systems.

Kenya has embraced EPR as part of its transition towards a more circular plastics economy. Initially, EPR was introduced voluntarily by industry through the **PET Recycling Company (PETCO)**, which coordinated recovery and recycling of PET bottles. However, the enactment of the **Sustainable Waste Management Act (2022)** made EPR mandatory, with Section 13 requiring every producer to bear extended producer responsibility obligations. In 2024, the Ministry of Environment, Climate Change and Forestry gazetted detailed **EPR Regulations** to operationalize this provision.

These regulations, however, are currently under judicial review following legal challenges on issues of public participation, financial obligations, and procedural legitimacy. For purposes of this brief, EPR is discussed in general terms and without prejudging the outcome of the pending litigation.

Waste Pickers and Waste Management in Kenya

Waste management in Kenya has long been characterized as a “wicked problem” due to its interdependencies, complex social dynamics, and the involvement of multiple actors. With urban areas generating an estimated **3,000–4,000 tons of waste per day**, of which 70–80% is organic and the remainder recyclable materials such as plastics, glass, and paper, effective collection and recovery systems remain limited. Recycling rates stand at around 10%, and much of this recovery depends on the work of waste pickers.

Waste pickers, who operate informally, are at the heart of Kenya’s recycling system. Globally, they account for as much as **58% of post-consumer plastic waste recovery**, demonstrating their indispensable role. In Kenya, they provide essential services by collecting, sorting, and selling recyclable materials, often under

difficult conditions with little recognition or support. Waste pickers rely heavily on waste as their main source of livelihood. Yet, despite their contributions, most remain invisible in policy frameworks and face exclusion from formal waste management systems.

The implementation of EPR poses both opportunities and risks for waste pickers. Poorly designed EPR systems can exclude them by centralizing waste management under private companies, closing access to dumpsites, introducing incineration facilities, or restricting access to recyclable materials. Such exclusion threatens their livelihoods, disrupts established recycling value chains, and may even reduce recovery rates. On the other hand, inclusive EPR design could channel new resources, investments, and institutional support to waste pickers, enabling their integration into formal waste management systems.

Legal and Policy Framework

Integrating waste pickers into EPR systems is critical for several reasons. Economically, they provide affordable, decentralized, and highly efficient recycling services that reduce municipal burdens. Socially, they represent some of the most vulnerable actors in waste systems, often facing discrimination, poor working conditions, and exposure to occupational hazards without protection.

Excluding them would amount to deepening social inequities. From a systems perspective, their exclusion threatens to dismantle existing recycling chains and reduce material recovery rates.

Lessons from other countries underscore the value of inclusion. In Brazil, for example, legislation mandates the integration of waste picker cooperatives as service providers in recycling schemes. Producer coalitions there are required to support waste pickers through capacity building, provision of equipment, collection containers, fair purchasing arrangements, and awareness campaigns. This has enabled cooperatives to expand activities, improve quality control, and establish direct contacts with industry. Kenya can adapt such lessons to its local context.

Why Inclusion of Waste Pickers Matters

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Opportunities for Waste Picker Inclusion in Kenya's EPR

For Kenya's EPR systems to be effective and socially just, they must deliberately include waste pickers. Opportunities include:

Formal Recognition: Waste pickers should be formally recognized in law and county-level by-laws. Guidelines for their integration into EPR systems should be developed, with clear institutional responsibilities and measurable targets.

Fair Remuneration: Waste pickers' contributions must be valued appropriately, with clear mechanisms for calculating service fees. Policies should protect them from market volatility, for instance by introducing minimum price floors for recyclables.

Access to Materials and Infrastructure: Waste pickers need guaranteed access to recyclables at collection points and material recovery facilities (MRFs). Establishing collection zones, micro-recycling facilities, and providing equipment will enable them to scale operations.

Capacity Building and Collective Action: Incentives such as tax reductions, training, and financial support should encourage waste pickers to organize into cooperatives. Collective structures enhance bargaining power, solidarity, and their ability to participate in EPR systems.

Social Protection and Safety: Waste pickers need personal protective equipment (PPE), access to health services, and training on occupational safety. Policies should also address gender inequality and eliminate discrimination, harassment, and violence faced by women waste pickers.

Research and Knowledge Generation: Little is known about the full scale and structure of waste picker networks in Kenya. Mapping, monitoring, and documenting their contributions will help design inclusive policies. Action-oriented research is essential to strengthen consultations and inform policy implementation.

From Vision to Action: A Roadmap for Counties

Counties are at the frontline of implementing waste management as a devolved function under Kenya's Constitution and the Sustainable Waste Management Act (2022). While national frameworks establish the mandate for EPR, the real test of success lies in how counties design and operationalize inclusion at the local level. The following roadmap provides a practical, step-by-step guide for counties to integrate waste pickers into EPR systems.

Step 1: Mapping and Recognition

Counties should begin by conducting comprehensive mapping exercises to identify and document waste pickers and their organizations. This should include data on their numbers, collection capacity, network structures, and contribution to recycling rates. Formal recognition, through county registries or licensing schemes, will legitimize their role and create a basis for integration.

Step 2: Developing County By-Laws and Integration Guidelines

Counties should pass by-laws aligned with the Sustainable Waste Management Act and EPR Regulations, explicitly addressing the inclusion of waste pickers. These by-laws should outline roles, responsibilities, and mechanisms for cooperation between Producer Responsibility Organizations (PROs), private sector actors, and waste pickers. Integration guidelines should set measurable targets, timelines, and monitoring systems.

Step 3: Securing Access to Materials and Infrastructure

Establishing MRFs is a function of the county. Waste pickers must have guaranteed access to recyclable materials. Counties can establish designated collection zones, neighborhood drop-off points, and ensure that Material Recovery Facilities (MRFs) are accessible to waste pickers. Support should also extend to provision of equipment such as sorting tables, collection carts, and protective gear.

Step 4: Financial Support and Fair Remuneration

Counties, in collaboration with PROs, should design financing mechanisms that ensure fair compensation for services provided by waste pickers. This can include price floors for recyclables to protect against market volatility, direct service contracts with cooperatives, and micro-recycling grants and loans to expand operations.

Step 5: Capacity Building and Collective Action

Capacity-building programs should be established to train waste pickers on occupational health and safety, financial literacy, and cooperative management. Counties can also incentivize formalization by providing tax reliefs, training support, and legal assistance for the registration of cooperatives. Collective action will enhance bargaining power and enable waste pickers to negotiate more equitable terms with PROs.

Step 6: Social Protection and Gender Equality

Counties should ensure that integration policies address the vulnerabilities waste pickers face. This includes providing access to healthcare, education on occupational health and safety, and adequate PPE. Policies should also promote gender equality by addressing discrimination, violence, and harassment, ensuring women waste pickers can work with dignity and security.

Step 7: Monitoring, Evaluation, and Continuous Learning

Integration should not be a one-time action but a continuous process. Counties must establish monitoring and evaluation frameworks to track progress, measure recovery rates, and assess social outcomes such as income improvements and safety standards. Lessons learned should inform iterative improvements to policies and practices.

Why This Matters

By following this roadmap, counties can operationalize EPR in a way that not only enhances waste recovery rates but also secures livelihoods and promotes social justice. This approach will ensure that Kenya's circular economy transition is both **environmentally sustainable and socially inclusive**, setting a model for other countries in the Global South.

Conclusion

EPR represents a critical opportunity for Kenya to advance sustainable waste management and transition towards a circular plastics economy. Yet, without deliberate inclusion, EPR risks undermining the very systems and people that have sustained recycling for decades. Waste pickers are indispensable actors in Kenya's circularity journey. By embedding their recognition, rights, and empowerment into the design and implementation of EPR, Kenya can set an example of an inclusive, resilient, and truly sustainable circular economy.






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