

COUNTY ASSEMBLY OF NAKURU

THE HANSARD

Tuesday, 16th May 2017

Assembly Building

The House met at 3.20pm

[The Temporary Speaker (Hon. Eunice Muriithi) in the Chair].

PRAYER

COMMUNICATION FROM THE CHAIR

WELCOME TO MEMBERS

The Temporary Speaker (Hon. Eunice Muriithi): Thank you very much, I just want to welcome you for another week in our final leg of our term and I to tell you that we are very valid in the things that we are doing.

REPORT

BAN ON USE OF PLASTIC BAGS

Hon. Mujing'a Kariuki: Thank you Madam Temporary Speaker, I am the Vice Chair of Justice and Legal Affairs Committee. I wish to table a Report on the Petition against the use of plastic bags in Nakuru County.

Honourable Members, I hope each one of you has a copy of what I am about to read and on that note Madam Temporary Speaker, I beg to skip some of the parts like composition of the Members and I now go straight to acknowledgement.

Madam Temporary Speaker, I wish to extend special gratitude to Members of the Committee for their commitment and considerable contributions during the deliberations.

Finally, I wish to appreciate the support of the office of the Speaker and the Clerk of the Assembly for their facilitation during the course of this investigation.

Background of the Petition

A Petition concerning inter alia the improper usage and disposal of plastic bags and other plastic bags and unbearable environment due to the pollution by disposal of non-biodegradable plastics in public places, drains and sewer lines was submitted by the Petitioner to the office of the Clerk to the County Assembly on the 1st day of December, 2015 and subsequently reported to the office of the Speaker pursuant to standing order No. 198 (1) (a) and (b) respectively of the County

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Assembly of Nakuru Standing Orders. The Petition was thereafter committed to the Justice and Legal Affairs Committee for its further action as mandated by the Standing Orders.

Committee's Findings

The Committee findings, observations and recommendations are the outcome of various oral submissions made before the Committee by various Petitioners, witnesses and County Government officials.

The following Petitioners appeared before the Committee on the 23rd day of March 2016. Below is a summary of their submissions:

1. We had James Wakibia, I hope you have the copies.
2. Vincent Tanui
3. Julius Koech

SITE VISIT AT GIOTO DUMP SITE

The Committee visited the dump site on the 13th day of April, 2016 and arrived at the site at 4pm. The Members were welcomed by witnesses some of who reside around the dump site and others who make a living from it. The Committee Members were taken around the dump site for the purpose of making observations and taking pictures of the site.

After the Committee had walked around the dump site, the Vice Chairperson asked the community members and the Committee to assemble at a spot within the site. He requested the committee Members to make brief introductions of themselves. The Vice Chairperson then explained to the residents that the members who had visited belonged to the Justice and Legal Affairs Committee. He further briefly informed the residents about the mandate of the Committee.

The Committee Vice Chairperson informed the residents that there was a Petition that had been committed to the Committee concerning the improper usage and disposal of plastic bags and other plastic products. He further stated that the Committee was aware that one of the areas mostly affected was Gioto dump site. He also advised that it was the responsibility of every citizen to make sure that they are living in a clean environment free from hazards that cause diseases to human beings and animals.

The Committee Chairperson gave the witnesses an opportunity to express their views about the dump site. One of the residents, who made a living out of the dump site stated that the main challenge they were facing was that plastic bags and other wastes spread beyond the dump site area when it is rainy or windy. She however stated that the site area is adequate and what the County Government needs to do was to construct it by drilling properly. She further requested that the County Government properly constructs roads within the site meant for vehicles that bring the wastes to the site.

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The resident however stated that the dump site means a lot to the community since some of the residents make a living out of it by collecting plastic bags and selling them to recycling companies. Further, some residents make pig feeds out of the waste products which they sell to farmers. The resident concluded by requesting the County Government to provide piped water to the people living around the dump site.

Another resident pleaded with the members to make sure that toilets are constructed for their use. He also requested that the youth living around the dump site be engaged in sports and other activities by the area MCA. This would help to deter most of them from engaging in alcoholism and drug abuse.

The Chairperson thanked the residents and one of the Petitioners (Mr. James Wakibia) for their time and promised them that the Committee would do their best in the interest of the residents. The committee thereafter left the site.

Status of Gioto Dump Site

Gioto is the only designated disposal site in Nakuru Town, serving Nakuru town and its environs and other sub-counties such as Njoro, Bahati, Subukia, Rongai among others.

The said disposal site lies on a fragile formation of the earth location (*fault line*). Currently the status of the dumpsite has improved in terms of its management with the help of a stationed dozer machine that pushes waste to clear disposal zones and also maintain and open access roads to the site for easier tipping.

The department has also put in place dumpsite monitoring mechanisms through deploying staff whose work is to man the site, ensure controlled tipping is done and the type of waste dumped.

The department has also formulated an Environmental Management and conservation Bill 2015, which was forwarded to the County Assembly on February 2016 for action. The Bill proposes that the prudent way of dealing way of dealing with the menace of plastic bags is through total banning of manufacturing, supply and usage.

Ingestion of plastic bags by animals leading to serious health hazards.

It is illegal for any person, farm to graze or allow grazing of animals within town's area of jurisdiction. Animals are not allowed to roam freely or feed at the dumpsites. We advise County Livestock department to ensure compliance of the existing laws to avert the problem of roaming domesticated animals in towns.

Submissions by the CEC Member in charge of Health Services; The CEC member in charge of health services honoured the invitation to appear before the Committee. In his submissions he noted that studies show that some toxins in plastics are building up in humans and that some of

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us may be experiencing serious health effects as a result. On the other hand polythene or plastic waste forms the highest volume of waste generated in the urban areas.

In Nakuru, most of the plastics end up in the disposal site (like Gioto in Nakuru town or Kayole in Naivasha) where they are either burnt in the open or left to scatter within the dump site. When these plastics are burnt in the open, they generate toxic gases like dioxins (pollutants which cause cancer). Plastic bags of below 50 microns currently pose a major threat to environment due to its non-disposability.

Impact on Health

Plastics burnt in the open produce dioxins and furans gases that are environmental pollutants which are carcinogenic (*they cause cancer*). Dioxins gas has been linked to:

- Reproductive issues
- Developmental problems
- Hormone disruption
- Immune impairment
- And is a known human carcinogen

Cancer is one of the major causes of morbidity and mortality in the country. These gases can also cause asthma. The crude disposal of these plastics end up in the storm water drains causing flooding and sewer overflows. This led to the concerned department to use a lot of resources in clearing these drains.

Plastics are known to hold water for long periods and hence a good breeding ground for mosquitoes which are malaria causing agents. Chemicals used for making plastics end up on our table through the food we eat. The plastics can also be ingested by animals. People are exposed to toxic chemicals not only during manufacturing, but also by using plastic packages, because some chemicals migrate from the plastic packaging to the foods they contain. Examples of plastics contaminating food have been reported with most plastic types, including styrene from polystyrene, plasticizers from PVC, antioxidants from polyethylene, and acetaldehyde from polyethylene terephthalate (PET). PET contains two main components:

1. Acetaldehyde which has been linked to:
 - DNA damage
 - Abnormal muscle development
 - Alzheimer's
 - And is listed as a carcinogen by the International Agency for Research on Cancer

2. Antimony has been linked to:

- Soil pollution
- Digestive issues
- Lung, heart, liver, and kidney damage

Effects on Environment

The accumulated wastes cause unsightly conditions in the environment. Once in the soil, plastics can persist for centuries without decomposing hence degrading the environment.

When these plastics are burned and buried deep in landfills, they can emit harmful chemicals that can pollute the underground water. These plastics are frequently found in the water sources, open channels and drainage.

Economic Impact

Polythene has both positive and negative impacts on the economy. Polythene is known to create some employment in production and consumption points. However the benefits are far below the negative impacts.

The County usually engages more workers to clear polythene along the highway, streets and parks to collect and dispose of these plastics. The cost of waste collection and disposal can be reduced by more than 12 % if all polythene bags could be reduced. This would result to the County saving a lot of money in its budget which in turn can be used for more productive activities in the County.

The impacts on medical bills, hospital bills and expenditure on drugs can affect per capital for the County in general.

Policies and Legislations on Polythene

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Kenya is a party to the Stockholm convention on persistent organic pollutants (pops) it ratified the convention on September 2004 and also other multilateral environmental agreements.

Other legislations that can be used to address this issue of polythene nuisance in the County include:

1. EMCA 1999-Regulations
2. Waste management regulation 2006.
3. Controlled substance regulation- 2007
4. Air quality regulation
5. Public Health Act Cap 242 Laws of Kenya.

Committee observations

The committee made the following observations:

- i) That there was an urgent need to take action on the usage and disposal of plastic bags within the county
- ii) That there was need to ensure that there is proper policy formulation to encourage the use of biodegradable materials in the making of shopping bags
- iii) That the retail chain outlets within the county should change the mode of packaging goods
- iv) That the county government of Nakuru should consider the privatization of the dump site to ensure that its properly managed and to also encourage the recycling of trash at the dump site

Committee Recommendations

The Committee would therefore wish to make the following recommendations for consideration.

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- i) Vide gazette notice no. 2356 dated the 28th February, 2017, The cabinet secretary for environment and natural resources gave the following directive:

“In exercise of the powers conferred under section 3 and section 86 of the Environmental Management And Co-Ordination Act, it is notified to the public that the Cabinet Secretary for Environment and Natural Resources has with the effect from 6 months from the date of this notice banned the use, manufacture and importation of all plastic bags used for commercial and household packaging defined as follows:

- a) Carrier bag-

Bag constructed with handles, and with or without gussets

- b) Flat bag-

Bag constructed without handles, and with or without gussets.

This committee therefore recommends that the relevant officers in the environment department within the county government ensure that this directive is complied with in its entirety as and when the gazette notice shall become effective.

The Committee further recommends that the Committee on implementation ...its duty under this theme

2. The committee recommends that the county government undertakes to ensure that the waste management mechanism of the Gioto dumpsite are urgently improved.

3. There is need for retail chains supermarkets and other outlets to urgently reconsider the mode of packaging because packaging goods for their clients to include environmental friendly methods. I thank you all. I beg to table the Report.

(The Report was laid on the Table)

The Temporary Speaker (Hon Eunice Muriithi): Thank you very much Hon Mujing’ a and I would refer the honorable Members to the Standing Order No 205 on committal of Petitions; that every Petition presented or reported pursuant to this part, shall stand committed to the relevant Sectorial Committee.

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(2). Whenever a petition is committed to Sectorial Committee, the Committee shall in not more than sixty calendar days from the time of reading the prayer, respond to the petitioner by way of a report addressed to the petitioner or petitioners and laid on the table of the Assembly and no debate in relation to the report shall be allowed, but the Speaker may, in exceptional circumstances, allow comments or observation in relation to the Petitions for not more than 20 minutes. So I wish to give you some little time maybe to make contribution to the same Report and I will not put it to question which does not alter the state of the Report, but for you to discuss on the issues that have been laid on the table. Two or one of you can rise and contribute. Hon Hilary.

Hon Hilary Korir: Thank you Madam Temporary Speaker, I want to take this opportunity to thank the Committee and especially the Chair who at the end of the day was the only one who appended his signature on this Report. We all know that we have suffered in situations that have been taken by this littering of polythene. I think alongside this Petition, there has been submissions from experts and we have been told about how serious polythene effects such as toxins some of which cause terminal illness and I think it is upon this Committee to take up this Petition and as they are going to come up with a further recommendations on this menace. I think it is also good to involve all stakeholders so that we can have a conducive environment in the near future. It is upon his House that when it comes to issues concerning making a clean environment, there has always a need to factor in the issue of finances. When it comes to such an issue, I think this honorable House and although I may not be a member of this House, we should come up with a measure so that we fund such initiative so that eventually we come up with a lasting solution.

The Temporary Speaker (Hon Eunice Muriithi): Thank you very much honorable Member. Honourable Members, we are done for the day and we stay adjourned until tomorrow at 9.30 am.

(The House rose at 3.30pm)