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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT- FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON:

THE PEST CONTROL PRODUCTS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2025)

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 14 OCT 2026
DAY. WEDNESDAY
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OCTOBER, 2026

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LIST OF ABBREVIATIONS AND ACRONYMS

AAK	:	Agrochemicals Association of Kenya
COG	:	Council of Governors
CS	:	Cabinet Secretary
DNA	:	Designated National Authority
EAC	:	East African Community
EIA	:	Environmental Impact Assessment
EMCA	:	Environmental Management and Coordination Act
EPA	:	Environmental Protection Authority (New Zealand)
EPR	:	Extended Producer Responsibility
ESG	:	Environmental, Social and Governance
FAO	:	Food and Agriculture Organization
GRI	:	Global Reporting Initiative
HHPs	:	Highly Hazardous Pesticides
HSNO	:	Hazardous Substances and New Organisms (New Zealand)
IFC	:	International Finance Corporation
IPM	:	Integrated Pest Management
ISFAA	:	Intersectoral Forum on Agrobiodiversity and Agroecology
KALRO	:	Kenya Agricultural and Livestock Research Organization
KEBS	:	Kenya Bureau of Standards
KEPHIS	:	Kenya Plant Health Inspectorate Service
MP	:	Member of Parliament
MRLs	:	Maximum Residue Limits
NAS-FST	:	National Agroecology Strategy for Food Systems Transformation (2024–2033)
NEMA	:	National Environment Management Authority
NOPEU	:	National Ordinary People Empowerment Union
ODM	:	Orange Democratic Movement
OECD	:	Organization for Economic Co-operation and Development
PCPB	:	Pest Control Products Board
PELUM	:	Participatory Ecological Land Use Management
PMRA	:	Pest Management Regulatory Agency (Canada)
PPE	:	Personal Protective Equipment
RTFI	:	Route to Food Initiative
SAICM	:	Strategic Approach to International Chemicals Management
SEA	:	Strategic Environmental Assessment
SPS	:	Sanitary and Phytosanitary Measures
UDA	:	United Democratic Alliance
WHO	:	World Health Organization
WTO	:	World Trade Organization

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CHAIRPERSON'S FOREWORD

This report presents the proceedings of the Departmental Committee on Agriculture and Livestock during its consideration of the Pest Control Products Bill (National Assembly Bill No. 48 of 2025). The Bill, sponsored by Hon. Kimani Ichungw'a, EGH, MP, the Leader of the Majority Party, was published on 3rd November 2025 and underwent its First Reading on 18th June 2026. It was subsequently committed to the Committee for consideration and reporting to the House pursuant to Standing Order 127 of the National Assembly Standing Orders.

The principal objective of the Bill is to establish a comprehensive statutory and institutional framework to regulate the importation, exportation, manufacture, acquisition, distribution, advertising, use and disposal of products used for the control of pests and the organic function of plants. The Bill establishes the Pest Control Products Authority, provides for its powers and functions, and modernizes the registration, certification and monitoring of pest control products in order to protect human health, animal health and the environment while supporting sustainable agricultural production.

In compliance with Article 118(1)(b) of the Constitution and Standing Order 127(3), the Committee placed advertisements in the print media on 26th June 2026 requesting memoranda from members of the public and relevant stakeholders. To complement these written submissions, the Committee, vide a letter REF: NA/DDC/A&L/2026 (055) dated 24th June 2026, invited key actors to a stakeholders' engagement meeting. This consultative forum allowed the Committee to capture vital input from key institutions.

Following a comprehensive examination of the Bill and a rigorous synthesis of the submissions made, the Committee observed that this legislative intervention transitions the country's pesticide regulation toward a modern, science-driven framework that incorporates global and regional best practices. The Bill resolves long-standing statutory obsolescence by repealing the Pest Control Products Act (Cap. 346), enacted in 1982, and it addresses the contemporary agricultural, environmental, public health and trade realities that have emerged since that time, thereby closing the enforcement gaps, weak penalty structures and procedural limitations of the legacy framework.

Further, the Bill strengthens Kenya's institutional architecture by establishing the Pest Control Products Authority to replace the Pest Control Products Board. The Authority holds clear powers to assess, register, classify, certify, ban and monitor pest control products throughout their life cycle, to advise on maximum residue limits and to monitor residues in food and the environment. This framework secures compliance with Kenya's obligations under the Rotterdam, Stockholm and Basel Conventions and the World Trade Organization, protecting market access for the country's agricultural exports and mitigating the risk of non-tariff trade restrictions and cargo rejections in premium markets.

The Bill also provides a clear division of mandates. The Authority retains national regulatory and enforcement powers over product registration, standards and the import and export of pest control products, while a specialized Technical Advisory Committee assists the Registrar in the technical evaluation of applications. County governments undertake local functions, including the licensing of premises, awareness creation and the training of agro-dealers and farmers.

In discharging its mandate, the Committee adopted part of the amendments proposed by the stakeholders to enhance the legislative and structural clarity of the Bill. These consensus-driven changes form part of the Committee's proposed amendments.

The Committee appreciates the Offices of the Speaker and the Clerk of the National Assembly for the technical and logistical support accorded to it during its sittings. Further, the Committee

appreciates all stakeholders who dedicated their expertise and time to submit comments on the Bill. Finally, I wish to express my profound appreciation to the Honourable Members of the Committee and the Secretariat for their invaluable contributions toward the preparation of this report.

On behalf of the Departmental Committee on Agriculture and Livestock and under the provisions of Standing Order 127(4), it is my pleasant privilege and honour to present to the House this report of the Committee on its consideration of the Pest Control Products Bill (National Assembly Bill No. 48 of 2025).

Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, M.P.
Chairperson, Departmental Committee on Agriculture and Livestock

1.0 PREFACE

1.1 INTRODUCTION

1. Agricultural productivity is increasingly threatened by crop pests, weeds, invasive species and plant diseases, rendering pest control products indispensable for protecting crops, enhancing yields, and safeguarding national food security. In response to the growing necessity for robust regulation, the Pest Control Products Bill, 2025, establishes a comprehensive statutory and institutional architecture to govern the importation, exportation, manufacture, acquisition, distribution, advertising, use, and disposal of products utilized for pest control and the organic function of plants. Further, the Bill, for enactment by Parliament, transitions regulatory oversight by replacing the Pest Control Products Board with the newly established Pest Control Products Authority. Sponsored by Hon. Kimani Ichungw'a, Leader of the Majority Party, the Bill was published on 3rd November, 2025, and Read a First Time on Thursday, 18th June, 2026.

2. The Bill seeks to modernize Kenya's regulatory framework by strengthening governance, improving pesticide registration procedures, enhancing compliance and enforcement mechanisms and promoting safer pest management technologies. Further, it introduces stringent measures to mitigate concerns regarding highly hazardous pesticides, prevent the circulation of counterfeit or adulterated agrochemicals, and monitor pesticide residues in food destined for both domestic consumption and export markets. Consequently, the legislation aims to protect human and animal health, safeguard agricultural ecosystems and align Kenya's regulatory regime with constitutional imperatives and international treaties, including the Rotterdam, Stockholm, and Basel Conventions.

3. The principal statute currently governing the sector, the Pest Control Products Act (Cap. 346), has provided the legal basis for pesticide regulation for several decades; however, it predates the Constitution of Kenya, 2010, and no longer adequately addresses contemporary agricultural, environmental, public health, and trade realities. Specifically, the existing legislation exhibits significant technical gaps regarding biological pesticides, digital licensing systems, climate change considerations and integrated pest management. Therefore, a comprehensive legislative review and the formal repeal of Cap. 346 are necessary to establish a modernized, science-based regulatory framework that responds to emerging global best practices and domestic regulatory needs.

1.2 MANDATE OF THE COMMITTEE

4. The Departmental Committee on Agriculture and Livestock is one of the twenty Departmental Committees of the National Assembly established under **Standing Order 216** whose mandate, among others, is ***"to study and review all the legislation referred to it."***

1.3 COMMITTEE SUBJECTS

5. The subject matter of the Committee is stated in the Second Schedule of the National Assembly Standing Orders and includes *agriculture, livestock, food production and marketing*.

6. In executing its mandate, the Committee oversees the Ministry of Agriculture and Livestock Development.

1.4 COMMITTEE MEMBERSHIP

7. The Committee, initially constituted by the House on **27th October 2022** and reconstituted on 6th March 2025, brings together a diverse and experienced team of legislators entrusted with steering the nation's Agricultural and Livestock Policy oversight agenda. Its membership is as follows:

Chairperson
Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP
Tigania West Constituency
UDA Party

Vice-Chairperson
Hon. Brighton Leonard Yegon, CBS, MP
Konoin Constituency
UDA Party

Members

Hon. Sabina Wanjiru Chege, CBS, MP
Nominated Member
Jubilee Party

Hon. Gabriel Gathuka Kagombe, MP
Gatundu South Constituency
UDA Party

Hon. Ferdinand Kevin Wanyonyi, MP
Kwanza Constituency
Ford Kenya Party

Hon. Monicah Muthoni Marubu, MP
Lamu County
Independent Member

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
ODM Party

Hon. Patrick Kibagendi Osero, MP
Borabu Constituency
ODM Party

Hon. Justice Kipsang Kemei, MP
Sigowet/Soin Constituency
UDA Party

Hon. Yussuf Mohamed Farah, MP
Wajir West Constituency
ODM Party

Hon. Jared Odoyo Okelo, MP
Nyando Constituency
ODM Party

Hon. Ruth Adhiambo Odinga, MP .
Kisumu County
ODM Party

Hon. Lawrence Mpuru Aburi, MP
Tigania East Constituency
NOPEU Party

Hon. John Okwisia Makali, MP
Kanduyi Constituency
Ford Kenya Party

Hon. David Kiplagat, MP
Soi Constituency
UDA Party

1.5 COMMITTEE SECRETARIAT

7. The Committee Secretariat, a dedicated team of technical officers, provides support to the Committee. It comprises the following staff:

Mr. Dennis Mogare Ogechi
Head of Secretariat / First Clerk Assistant

Mr. Victor K. Kilimo
Clerk Assistant III

Ms. Evelyne Orina
Clerk Assistant III

CPA Robert Ng'etich
Fiscal Analyst I

Mr. Shadrack Musyoki
Senior Research Officer

Mr. Gerald Kadede
Legal Counsel I

Mr. Calvin Karung'o
Media Relations Officer III

Mr. John Ng'ang'a
Audio Recording Officer

Ms. Jacinta Maru
Serjeant-at-Arms

2.0 BACKGROUND TO THE PEST CONTROL PRODUCTS BILL, 2025

2.1 CONTEXT OF PEST CONTROL PRODUCTS LEGISLATION

8. The governance of pest control products bridges agricultural productivity, environmental conservation, and public health protection. Pest control products, including insecticides, herbicides, and fungicides, are indispensable for protecting crops, managing invasive species, and safeguarding national food security. However, regulating these chemical and biological agents requires a delicate balance: maximizing agricultural yields while mitigating severe risks to human health, non-target organisms, and broader ecosystems.

9. Globally, the regulation of hazardous agrochemicals is anchored in multilateral treaties designed to standardize safety metrics and manage transboundary risks. The international framework relies heavily on instruments such as the Rotterdam Convention on Prior Informed Consent, the Stockholm Convention on Persistent Organic Pollutants, and the Basel Convention on Hazardous Wastes, which collectively govern the global movement and restriction of hazardous substances.

10. Further, the World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) and the Codex Alimentarius Commission standards reinforce these biosecurity measures. These agreements ensure that member states base their pesticide residue limits on rigorous scientific principles, thereby preventing arbitrary health regulations from acting as hidden, non-tariff barriers to international commerce.

2.2 EVOLUTION OF PESTICIDE LEGISLATION IN KENYA

11. As a prominent agricultural exporter, particularly of horticultural products to highly competitive premium markets, Kenya's economic stability relies heavily on a robust regulatory infrastructure for agricultural inputs.

12. For several decades, Kenya's primary legal mechanism for regulating agrochemicals has been the Pest Control Products Act (Cap. 346), which established the Pest Control Products Board (PCPB) to oversee the importation, manufacture, distribution and use of pesticides. While Cap. 346 provided a foundational framework, it was drafted in an era before the Constitution of Kenya, 2010, and it lacks the mechanisms necessary to address modern complexities such as highly hazardous pesticides, biological pest control and digital licensing.

13. The agricultural landscape has evolved rapidly; the expansion of commercial agriculture, greenhouse farming, and the emergence of transboundary pests like the Fall Armyworm have drastically increased national dependence on chemical interventions. Consequently, Kenya requires a modernized statute to harmonize the execution of regulatory powers, address environmental pollution, and integrate safer pest management technologies.

14. The introduction of the Pest Control Products Bill (National Assembly Bill No. 48 of 2025) represents a comprehensive legislative overhaul designed to repeal and replace the legacy Cap. 346 framework. Sponsored by the Leader of the Majority Party, the Bill establishes the Pest Control Products Authority to replace the PCPB, directly bridging the gap between Kenya's international treaty obligations and its contemporary domestic realities.

2.3 RATIONALE FOR THE PEST CONTROL PRODUCTS BILL, 2025

13. Globally, agricultural sectors are under pressure to optimize production while minimizing chemical footprints. Despite having an established regulatory system, Kenya continues to face systemic challenges that undermine effective pesticide management, including lengthy registration procedures, inadequate post-registration monitoring and weak enforcement.

14. The enactment of the Pest Control Products Bill, 2025, establishes a modernized, science-based statutory architecture driven by the following necessities:

(a) **Obsolescence of the Legacy Legal Framework:** The existing Pest Control Products Act (Cap. 346) predates the current constitutional dispensation and fails to address contemporary regulatory needs, such as the management of highly hazardous pesticides, the facilitation of biological alternatives and the integration of modern enforcement mechanisms.

(b) **Proliferation of Counterfeit and Substandard Products:** The Kenyan agricultural sector suffers from the infiltration of unregistered, counterfeit, and adulterated pest control products. These illegal products reduce agricultural productivity, expose farmers to severe economic losses, and complicate state enforcement efforts. The Bill introduces stringent controls, robust inspection powers and steep criminal penalties to deter these violations.

(c) **Protection of Human Health and Environmental Integrity:** Improper handling, excessive application and poor disposal of pesticides expose farmers and consumers to severe health risks, including pesticide poisoning and contaminated food products. Environmentally, chemical run-off degrades soil biodiversity, contaminates groundwater, and destroys beneficial pollinators. The new legislative framework promotes Integrated Pest Management (IPM) and establishes strict guidelines for the safe disposal of obsolete products and containers.

(d) **Global Market Integration and Trade Compliance:** Kenya's horticultural exports are subjected to rigorous sanitary and phytosanitary standards in premium markets, particularly the European Union. Compliance with Maximum Residue Limits (MRLs) and international pesticide regulations is critical; failure to adhere to these standards risks catastrophic export rejections and the loss of foreign exchange earnings.

(e) **Climate Change and Shifting Pest Dynamics:** Climate change is actively altering pest distribution patterns and increasing the frequency of outbreaks. To counter these shifts, the legal framework must be adaptive, encouraging innovation in biological pest control products and reduced-risk technologies.

(f) **Constitutional and Institutional Alignment:** The Bill operationalizes key provisions of the Constitution of Kenya, 2010, specifically the rights to a clean and healthy environment, consumer protection and adequate food. Further, it provides a clear legal architecture that maps out the distinct functions of the two tiers of government, granting County Governments specific mandates for local agricultural extension, awareness creation and the regulation of pest control premises.

2.4 COMPARATIVE ANALYSIS

15. Globally, Canada has one of the world's leading pesticide regulatory systems while New Zealand demonstrates the value of integrating pesticide regulation within a broader environmental risk management system. The table below compares the pest control regimes in the two jurisdictions with that Kenyan context:

Issue	Kenya: Pest Control Products Bill, 2025	New Zealand: Hazardous Substances and New Organisms Act, 1996	Canada: Pest Control Products Act, 2002	Comparative Observation
Primary objective	Regulate pest control products to protect human, animal and environmental health while supporting agricultural productivity.	Protect the environment, human health and communities from risks associated with hazardous substances and new organisms.	Prevent unacceptable risks to human health and the environment from pest control products.	Canada focuses specifically on pesticides, while New Zealand adopts an integrated hazardous substances management approach.

Issue	Kenya: Pest Control Products Bill, 2025	New Zealand: Hazardous Substances and New Organisms Act, 1996	Canada: Pest Control Products Act, 2002	Comparative Observation
Scope	Pest control products throughout their life cycle.	Covers all hazardous chemicals, pesticides, explosives, toxic substances and genetically modified organisms.	Applies exclusively to pest control products.	New Zealand has the broadest legislative scope.
Regulatory authority	Pest Control Products Board (PCPB).	Environmental Protection Authority (EPA).	Pest Management Regulatory Agency (PMRA) under Health Canada.	Canada and New Zealand operate highly specialized scientific regulatory agencies.
Registration/ Approval	Mandatory registration before manufacture, importation or sale.	Hazardous substances require approval before importation, manufacture or use.	Mandatory scientific registration before sale or use.	All three require pre-market approval.
Scientific risk assessment	Risk-based assessment before registration.	Comprehensive environmental, health, cultural and economic risk assessment.	Extensive scientific evaluation including toxicology, dietary exposure and environmental fate.	New Zealand and Canada employ more comprehensive multidisciplinary assessments.
Human health protection	Protects users and consumers from harmful pesticide exposure.	Human health is a statutory consideration in every approval.	Human health protection is the primary consideration.	Canada provides the strongest statutory protection.
Environmental protection	Addresses environmental impacts and sustainable pesticide use.	Strong environmental protection with ecosystem-based assessment.	Environmental risk assessment mandatory before approval.	New Zealand places particularly strong emphasis on ecosystem protection.
Biodiversity conservation	Promotes environmentally sustainable pest management.	Explicit protection of indigenous biodiversity and ecosystems.	Considers effects on non-target organisms and biodiversity.	New Zealand provides the strongest biodiversity protections.
Public participation	Provides stakeholder consultation during regulatory processes.	Extensive public notification and submissions for significant approvals.	Public consultation required for major registration decisions and reviews.	Canada and New Zealand provide highly transparent regulatory processes.
Maximum residue limits (MRLs)	Supports regulation of pesticide residues.	Managed through separate food legislation.	Integrated with pesticide registration decisions.	Canada's approach closely links registration to food safety.
Integrated Pest Management (IPM)	Promotes IPM and safer alternatives.	Encourages reduced reliance on hazardous substances through risk management.	Supports reduced-risk products and sustainable pest management.	Kenya increasingly aligns with international sustainable agriculture principles.
Biological pest control products	Recognises biological pesticides.	Regulates biological control agents and new organisms under HSNO.	Provides registration pathways for biological pesticides.	New Zealand has the most comprehensive regulation of biological organisms.
Counterfeit pesticides	Strengthens controls	Controlled through import restrictions and	Strong compliance and criminal	Kenya addresses a challenge more

Issue	Kenya: Pest Control Products Bill, 2025	New Zealand: Hazardous Substances and New Organisms Act, 1996	Canada: Pest Control Products Act, 2002	Comparative Observation
	against illegal products.	hazardous substances enforcement.	enforcement provisions.	prevalent in developing markets.
Inspection and enforcement	Inspection, seizure, licence suspension and prosecution.	Compliance orders, inspections and enforcement notices.	Administrative penalties, recalls, inspections and criminal sanctions.	Canada's enforcement regime is broader and more flexible.
International obligations	Aligns with the Rotterdam, Stockholm and Basel Conventions.	Reflects international environmental conventions and multilateral agreements.	Consistent with OECD, FAO, WHO and WTO standards.	All three frameworks support international regulatory harmonization.

3.0 OVERVIEW OF THE PEST CONTROL PRODUCTS BILL, 2025

3.1 INTRODUCTION

16. The Pest Control Products Bill, 2025 builds a modern statutory framework to regulate the pesticides that Kenya imports, manufactures, distributes and uses. The Bill repeals the Pest Control Products Act (Cap. 346), the 1982 statute that established the Pest Control Products Board. It replaces that Board with a stronger Pest Control Products Authority and grants the Authority clear powers to register, certify and ban pest control products. The core purpose is to ensure the Authority safeguards human health and the environment from the risks these products carry and provide the legal basis for issuing, suspending and cancelling certificates and permits. To achieve this, the Authority is mandated to evaluate and register each product before sale, advise on maximum residue limits and monitor residues in food and the environment.

17. The Bill also anchors Kenya's regime in international chemical safety law. It ties the banning of hazardous products to the Rotterdam Convention on prior informed consent, and it requires registration to follow East African Community guidelines. The Bill then distributes authority across the two levels of government. The national Authority controls product registration, standards and the import and export of pest control products. County governments run local enforcement, license premises through trade licences, establish pesticide waste and disposal sites with the National Environment Management Authority and train agro-dealers and farmers in responsible use and integrated pest management.

3.2 OBJECTIVES OF THE BILL

18. The principal objective of the Bill is to regulate the importation, exportation, manufacture, acquisition, distribution, advertising, use and disposal of products used for the control of pests and organic function of plants, to establish and provide for the powers and functions of the Pest Control Products Authority, and for connected purposes. Specifically, the Bill aims to:

    (a) **Safeguard Health and Environment:** Establish a modern, efficient, and science-based regulatory framework that protects human health, animal health and the environment while concurrently supporting sustainable agricultural production. Further, it expressly seeks to safeguard human health and the environment from the inherent risks associated with hazardous pest control products.
    (b) **Modernize Regulatory Procedures:** Provide transparent and scientifically rigorous procedures for the registration, evaluation and approval of pest control products.
    (c) **Govern Certification and Compliance:** Provide a robust legal framework for the issuance, suspension and cancellation of operational certificates and permits across the agrochemical supply chain.
    (d) **Combat Illicit Products:** Enhance compliance, inspection and enforcement mechanisms to systematically prevent the circulation of counterfeit, adulterated, and substandard pesticides within the agricultural sector.
    (e) **Promote Research and Innovation:** Facilitate and authorize controlled scientific research into pest control products, thereby encouraging local innovation, the development of integrated pest management technologies and the utilization of safer biological alternatives.

3.3 INSTITUTIONAL FRAMEWORKS PROPOSED IN THE BILL

19. The primary institutional frameworks and regulatory bodies established or mandated under the Bill, along with their corresponding statutory responsibilities, are structured as follows:

(a) **The Pest Control Products Authority** - The Bill establishes the Authority to serve as the principal regulatory agency for pest control products in Kenya, replacing the Pest Control Products Board. Its core mandate encompasses assessing, evaluating and registering all pest control products prior to their introduction into the market. Further, the Authority is tasked with safeguarding human health and the environment through rigorous risk assessments, advising on Maximum Residue Limits (MRLs), conducting environmental and dietary surveillance and implementing international conventions relating to pesticide management that Kenya has ratified.

(b) **The Board of Directors of the Authority** - Governance and supervisory oversight of the Authority are vested in a multidisciplinary Board of Directors. It comprises a non-executive chairperson appointed by the President, Principal Secretaries from the ministries of agriculture, finance and health, the Attorney-General, a representative from the Council of County Governors and nominees from agrochemical and farmer organizations. Its substantive powers include formulating administrative policies, controlling organizational assets and issuing, suspending, or cancelling regulatory certificates and permits.

(c) **The Registrar of Pest Control Products and Technical Advisory Committee** - The Managing Director of the Authority officially functions as the Registrar of Pest Control Products, responsible for maintaining the national database of registered products and processing registration applications. To ensure scientific rigor in decision-making, the Board is mandated to appoint a specialized Technical Advisory Committee. This committee directly assists the Registrar in evaluating application data and advising on the designation of competent academic or research institutions to conduct specialized pesticide studies on behalf of the Authority.

(d) **County Governments** - In alignment with the constitutional devolution of agricultural functions, county governments are assigned distinct shared mandates in collaboration with the Authority. Their responsibilities include promoting good agricultural practices, such as Integrated Pest Management (IPM) and conducting local training and awareness programs for agro-dealers and farmers regarding responsible pesticide use. Additionally, county governments are tasked with regulating agrochemical premises through the issuance of trade licenses and collaborating with the National Environment Management Authority (NEMA) to designate and establish localized pesticide waste and empty container disposal sites.

(e) **Inspectors and Analysts** - The legislation establishes a robust, decentralized compliance and enforcement framework through the appointment of inspectors by both the Authority and County Governments. These inspectors possess extensive statutory powers to enter premises, inspect records, examine agrochemical stock and seize or detain counterfeit, expired or non-compliant pest control products. Concurrently, the Authority appoints scientific analysts who examine seized samples or residues and issue official certificates of analysis, which serve as admissible evidentiary documentation in judicial prosecutions.

(f) **Designated Analytical Laboratories** - The Bill empowers the Authority to establish and designate analytical laboratories to monitor product quality and conduct environmental

and produce residue testing. These national laboratories serve as the official infrastructure for evaluating regulatory compliance and undertaking scientific research on active ingredients and formulations. To expand analytical capacity, the legislation also permits the Authority to formally authorize competent public or private laboratories to conduct analytical services and testing on its behalf.

3.4 REGULATORY FRAMEWORK

24. The Bill organizes its regulatory framework into six core components.

(a) **Mandatory product registration and classification -** The Bill bars any person from manufacturing, selling, or introducing a pest control product for use in Kenya without registration by the Authority. The Registrar registers a product only after confirming that it is safe for human health and the environment, effective for its intended purpose and produced in suitable premises. The Registrar then assigns each product a class based on its toxicity and use. The classes run from severely restricted and restricted products to commercial, agricultural and domestic products. Registration follows East African Community guidelines, which aligns Kenya with its regional trade partners. A person who sells or uses an unregistered product commits an offence and faces a fine of up to one million shillings or two years in prison.

(b) **Banning, restriction and counterfeit control -** The Bill gives the Authority direct power to remove hazardous products from the market. The Authority may ban a product when a convention that Kenya has ratified reports severe adverse effects or when its own scientific risk evaluation shows unacceptable risk to people and the environment. It may list a product as severely restricted when international instruments such as the Rotterdam Convention flag it for prior informed consent. The framework also targets fake products. It makes the adulteration, counterfeiting or sale of a counterfeit product an offence that carries a fine of between two million and ten million shillings, or five times the value of the goods, or up to seven years in prison.

(c) **Import, export, transit and research controls -** The Bill routes all cross-border movement of pest control products through the Authority. No person may import or sell a product unless the Authority has registered, packaged and labelled it under the regulations, and no person may import expired or obsolete products. Any person moving products in transit through Kenya must declare them to the Authority at the ports of entry and exit. The framework also controls scientific work. A person who wants to research an unregistered product must apply for authorization and submit the experimental label, the research protocol and an account of the health and environmental risks. Illegal importation of an unregistered product draws a fine of between one million and five million shillings, or up to two years in prison.

(d) **Certification of premises, operators and commercial services -** The Bill requires a certificate for every actor in the pest control products trade. No person may manufacture, formulate, repackage, distribute, retail, wholesale, store, dispose or provide commercial spray services without a certificate from the Authority. The Bill lists thirteen certificate classes, which range from manufacturing and formulator certificates to disposal, commercial training and storage and use certificates. The framework extends to digital commerce. It bars any person from running an online platform for the sale or marketing of pest control products unless the sellers hold certificates and the products carry registration. Each certificate lapses on 31st December and requires annual renewal.

(e) **Inspection, seizure, and analytical enforcement -** The Bill builds a two-tier enforcement structure across the national Authority and the county governments. The Authority and County Governments appoint inspectors who enter premises, examine products, take samples, and demand trade documents. An inspector who finds a contravention may seize and detain the product, and a court may order its forfeiture to the government at the owner's expense. County inspectors report counterfeits, keep records of premises, monitor container collection sites, and stop suspect consignments within their county. Analysts test seized samples and issue certificates of analysis that stand as evidence in court. The Authority runs laboratories to analyse products and residues, and it may authorize public or private laboratories to support this work.

(f) **Residue monitoring, incident reporting, and waste safeguards -** Beyond market entry, the Bill sets up continuous oversight of pesticide effects on food, health and the environment. The Authority advises on maximum residue limits, monitors residues in food and the environment and sets minimum intervals between product application and crop harvest. Each user and dealer must report any health or environmental incident involving a product to the Authority. A person who causes a risk of imminent death or bodily harm through unlawful transport, handling, storage, off-label use, or disposal commits an offence that carries a fine of up to five hundred thousand shillings or two years in prison. County governments then close the loop on waste. They designate pesticide waste collection and disposal sites with the National Environment Management Authority and train agro-dealers and farmers in responsible use and integrated pest management.

3.5 PROVISIONS OF THE BILL - CLAUSE BY CLAUSE

Part I — Preliminary

20. (Clauses 1 to 5) of the Bill deals with preliminary matters including the short title, the definitions of key terms used in the Bill, the scope of the application of the Bill, the purposes of the Bill, and the guiding principles.

Part II— The Pest Control Products Authority

21. (Clauses 6 to 18) of the Bill provides for the establishment of the Pest Control Products Authority, headquarters, and functions of the Authority, the composition and powers of the Board of Directors of the Authority; the qualifications and appointment of the Chairperson of the Board, the procedure for the filling of a vacancy in the Board, the common seal of the Board, the conduct of the business and affairs of the Board, the remuneration of the members of the Board, and the appointment of the Managing Director and staff of the Authority.

Part III— Inspectors and Analysts

22. (Clauses 19 to 25) of the Bill provides for the appointment and designation of inspectors, and their powers and roles. It also provides for the appointment of analysts and their functions, the role of county governments, the role of inspectors appointed by county governments, the powers of inspectors to seize pest control products, and the applicable procedure on the forfeiture and disposal of seized pest control products.

Part IV— Registration of Pest Control Products

23. (Clauses 26 to 34) provides for the registration of pest control products. This part provides for the keeping and maintenance of a register of pest control products, the procedure for registration and renewal of registration of pest control products, the procedure for the classification of pest control products, the application of certain East African Community Guidelines, the manufacturing of pest control products for re-export, the prohibition on the

sale or use of unregistered pest control products and the prohibition of the provision of false or misleading information relating to pest control products.

24. (Clauses 35 to 39) of the Bill also provides for the procedure for the cancellation of registration, the procedure for the banning and restriction of pest control products, the power to control the counterfeit products, and the designation of competent persons to conduct research and studies on pest control products.

Part V— Importation, Exportation and Research

25. (Clauses 40 to 46) of the Bill provides for importation, exportation and research into pest control products. It provides for the manner of controlling import and export of pest control products into and out of Kenya, the manufacture, distribution, sale and use of pest control products, the procedure for authorization of research in pest control products, the role of the Authority in encouraging local innovation and development of pest control products, transportation of pest control products in Kenya, the process of safely disposing of pest control products and the requirement to maintain stock records by certified persons.

VI — Manufacture, Certification, Transportation and Disposal of Pest Control Products

26. (Clauses 47 to 52) of the Bill provides for the manufacture, certification, transportation and disposal of pest control products. It sets out the procedure for certification, the issuance of classification certificates, conditions necessary for the certification of premises under the Act, commercial training in pest control products, the issuance and expiry of certificates and the procedure for the suspension or cancellation of certificates.

Part VII— Laboratory Analytical Services

27. (Clause 53) of the Bill provides for the establishment, designation and authorisation of laboratories by the Authority.

Part VIII — Financial Provisions

28. (Clauses 54 to 62) of the Bill provides for financial matters relating to the Authority including the sources of its funds, the retention of surpluses, the investment of surplus funds, the financial year of the Authority, the budget process for the Authority, the preparation and submission of annual financial and non-financial reports, and the power of the Authority to borrow money.

Part IX – Miscellaneous Provisions

29. (Clauses 63 to 70) of the Bill provides for miscellaneous matters including the protection from personal liability of members of the Board and the officers and staff of the Authority in the performance of their functions or exercise of their powers under the Act, the duty of confidentiality, the penalty for unauthorized disclosure of confidential information, the manner of reporting of health and environmental incidents involving pest control products, general penalty, the power to make regulations and that the mandate of the Act to prevail in any conflict with any other written law on any matter regarding pest control products.

Part X - Repeal, Savings and Transitional Provisions

30. (Clauses 71 to 73) provides for repeal of the Pest Control Products Act (Cap. 346) and savings and transitional matters.

SCHEDULE

31. **First Schedule** to the Bill makes specific provisions for the conduct of the Business and affairs of the Board.

32. **Second Schedule** deals with transitional provisions.

4.0 PUBLIC PARTICIPATION / STAKEHOLDERS CONSULTATION

47. Article 118(1)(b) of the Constitution and Standing Order 127(3) of the National Assembly Standing Orders require the Committee to facilitate public participation in the consideration of Bills.

48. Following the call for memoranda from the public through placement of advertisements in the print media on **26th June 2026** and vide a letter REF: NA/DDC/A&L/2026 (055), dated **24th June 2026** inviting stakeholders for a meeting, the Committee received memoranda on the Pest Control Products Bill (National Assembly Bill No. 48 of 2025) from the following stakeholders:
    1) The Pest Control Products Board;
    2) The Kenya Bureau of Standards;
    3) The National Environment Management Authority;
    4) The Council of Governors;
    5) The Kenya Agricultural and Livestock Research Organization;
    6) The Kenya Plant Health Inspectorate Service;
    7) The Ministry of Health
    8) aak-GROW/CropLife Kenya.
    9) Agrobiodiversity and Agroecology Stakeholders (Coalition comprising the Intersectoral Forum on Agrobiodiversity and Agroecology [ISFAA], Route to Food Initiative [RTFI], Participatory Ecological Land Use Management [PELUM Kenya], and affiliated civil society and smallholder networks)
    10) Ms. Lydia Nyawira Mburia
    11) Nature Kenya (The East Africa Natural History Society)

    The stakeholders submitted as follows:

4.1 THE PEST CONTROL PRODUCTS BOARD (PCPB)

49. In a memorandum referenced PCPB/1/Vol.III/25-26/021 dated 3rd July 2026, Mr. Fredrick N. Muchiri, Chief Executive Officer of the Pest Control Products Board, submitted comments on the Bill. The Board supported the Bill and requested Parliament to consider and approve it for further processing. The Board noted that the Pest Control Products Act, Cap 346, was enacted in 1982 before the State Corporation Act and does not provide for body corporate status. It stated that this has created challenges in agency classification and in staff recruitment and retention and that the Act is weak on domestic consumer protection, environmental protection and export market access. The Board proposed the following amendments:

Clause 2 (Interpretation)

50. The Board proposed to insert the definitions of "Controller" to mean the Food Safety Controller appointed under the Food and Feed Safety Control Co-ordination Act, "multi-annual control plan" as assigned under section 2 of that Act, and "registration" to mean the process by which the Authority approves the sale and use of a pest control product following the evaluation of scientific data demonstrating that the product is effective for its intended purposes and does not pose an unacceptable risk to human or animal health or the environment.

Justification

The proposal follows the enactment of the Food and Feed Safety Control Co-ordination Act No. 21 of 2026, which establishes the Office of the Food Safety Controller and provides for the role of County Governments in food and feed safety. The First Schedule to that Act

recognises the Pest Control Products Board as one of the eleven competent authorities. The Act was assented to on 23rd June 2026 and commenced on 10th July 2026.

Committee Observation/Recommendation

The proposal was adopted by the Committee because it was passed in the Food and Feed Safety Control Co-ordination Act, No.21 of 2026 as a consequential amendment to the Pest Controlled Products Act, Cap 346 which designates the current Pest Control Product Board as a Competent Authority.

Clause 6

51. The Board proposed to insert a new subclause (3) immediately after subclause (2) to provide that "The Authority shall be the designated national authority on matters pest control products."

Justification

The Board is currently the Designated National Authority in various Multilateral Environmental Agreements on pesticides and represents Kenya in the technical committees and Conferences of Parties to those Agreements. The amendment will mandate the Authority to proactively issue statements on the official position on pest control products.

Committee Observation/Recommendation

The proposal was adopted by the Committee to provide clarity by designating the Authority as the Designated National Authority (DNA) on matters pesticides and represents Kenya in the technical committees in international fora.

Clause 8(b)

52. The Board proposed to amend paragraph (b) to read "registration of pest control products" in place of "register pest control products."

Justification

To align with the proposed inclusion of the definition of the word registration.

Committee Observation/Recommendation

The proposal was adopted by the Committee with in line the proposed new definition that the Committee adopted as well.

New Clause 8(ha) and (hb)

53. The Board proposed to insert new paragraphs immediately after paragraph (h). The proposed paragraph (ha) provides for the Authority to conduct audits of the traceability mechanisms established by a person who deals in pest control products. The proposed paragraph (hb) provides for the Authority to implement the multi-annual control plan in the performance of its functions.

Justification

The proposal follows the enactment of the Food and Feed Safety Control Co-ordination Act No. 21 of 2026, which establishes the Office of the Food Safety Controller and provides for the role of County Governments in food and feed safety. The First Schedule to that Act recognises the Pest Control Products Board as one of the eleven competent authorities. The Act was assented to on 23rd June 2026 and commenced on 10th July 2026.

Committee Observation/Recommendation

The proposal was adopted by the Committee because it was passed in the Food and Feed Safety Control Co-ordination Act, No.21 of 2026 as a consequential amendment to the Pest Controlled Products Act, Cap 346 which designates the current Pest Control Product Board as a Competent Authority.

New Clause 8A (Role of the Controller)

54. The Board proposed to insert a new clause 8A immediately after clause 8. The clause provides that where the Board determines that there is an overlap between its functions and those of any public institution in relation to food or feed safety, it may request the Controller to advise. It further provides that where a conflict arises between the Board and any other public institution in the execution of its functions in relation to food or feed safety, the Board may request the Controller to advise. It also provides that the Controller shall conduct an audit of the mechanisms for food safety established by the Board to verify that the Board has established a system for the effective official control of food or feed safety.

Justification

The proposal follows the enactment of the Food and Feed Safety Control Co-ordination Act No. 21 of 2026, which establishes the Office of the Food Safety Controller and provides for the role of County Governments in food and feed safety. The First Schedule to that Act recognises the Pest Control Products Board as one of the eleven competent authorities. The Act was assented to on 23rd June 2026 and commenced on 10th July 2026.

Committee Observation/Recommendation

The proposal was adopted by the Committee because it was passed in the Food and Feed Safety Control Co-ordination Act, No.21 of 2026 as a consequential amendment to the Pest Controlled Products Act, Cap 346 which designates the current Pest Control Product Board as a Competent Authority.

Clause 11(b)

55. The Board proposed to delete the words "scientific field" and substitute the words "public administration", so that a person qualifies for appointment if that person has at least ten years' experience in public administration.

Justification

Apart from scientists, there could be other professionals who can contribute to the advancement of the Authority. The current provision limits other experienced candidates.

Committee Observation/Recommendation

The proposal was adopted with amendments by the Committee to retain the relevant scientific field and add public administrations as qualifications requirement for appointment of the Chairperson of the Board of the Authority

Clause 23(f)

56. The Board proposed to delete paragraph (f), noting that paragraphs (c) and (f) are the same in content.

Justification

Paragraphs (c) and (f) repeat each other. Deleting paragraph (f) avoids repetition.

Committee Observation/Recommendation

The proposal was adopted by the Committee to avoid repletion.

Clause 69(2)

57. The Board proposed to delete the words "the Cabinet Secretary" appearing before "the regulations" to correct the grammar of the subclause. Further, the Board proposed to insert a new paragraph (ra) immediately after paragraph (r) to provide for the "application of pest control products using application equipment."

Justification

The amendment corrects the grammar of the subclause. It also provides for the Cabinet Secretary to make regulations on the use of drones and other equipment for applying pest control products to enhance safety to human health and the environment. This will be done in consultation with the Kenya Civil Aviation Authority and other relevant stakeholders.

Committee Observation/Recommendation

The proposal was adopted by the Committee to a correct a grammatical and to provide for the CS to make regulations on use of drones and other equipment for applying Pest Control Products to enhance safety to human health and the environment.

4.2 THE KENYA BUREAU OF STANDARDS (KEBS)

58. In a memorandum signed by Dr. Geoffrey Muriira, Ph.D., for the Managing Director, Ms. Esther Ngari, EBS, the Kenya Bureau of Standards submitted comments on the Bill. The Bureau is the National Standards Body designated under the Standards Act, Cap 496. It proposed the following amendments:

Clause 2 (Interpretation)

59. The Bureau proposed to insert a definition of standards to read "standards means a Kenya standard declared under the Standards Act, Cap 496."

Justification

The definition supports the proposed amendment under clause 8(d).

Committee Observation/Recommendation

The proposal was adopted by the Committee because section 9 of the Standards Act designates the Kenya Bureau of Standards (KEBS) as the National Standards Body, and section 10 vests the National Standards Council with the exclusive power to declare Kenya Standards.

Clause 8(d)

60. The Bureau proposed to define standards in section 2 to mean a Kenya standard declared under the Standards Act, Cap 496.

Justification

The clause empowers the Authority to prescribe and oversee the enforcement of standards and regulations in respect of pest control products. It, however, does not indicate the body responsible for the development of the standards, and the definition section does not clarify what a standard is. Section 9 of the Standards Act designates the Kenya Bureau of Standards as the National Standards Body. Section 10 vests the National Standards Council with the exclusive power to declare Kenya standards.

Retaining this position and cross-referencing it in the Bill assists in regulatory certainty, since the Bureau is the National Standards Body recognized both domestically and internationally, including as Kenya's national enquiry point under the World Trade Organization Agreement on Technical Barriers to Trade.

Allowing the Authority to independently prescribe standards, without anchoring the term to the Standards Act, risks the emergence of two parallel and potentially inconsistent sets of technical requirements for the same class of products. This would increase compliance costs for manufacturers and traders, create confusion for enforcement officers and courts, and expose Kenya to the risk of non-compliance with its obligations under the Agreement on Technical Barriers to Trade.

Committee Observation/Recommendation

The proposal was adopted by the Committee because section 9 of the Standards Act designates the Kenya Bureau of Standards (KEBS) as the National Standards Body, and section 10 vests the National Standards Council with the exclusive power to declare Kenya Standards.

Clause 9(2)

61. The Bureau proposed to include the Director of the Kenya Bureau of Standards in the membership of the Board of Directors of the Authority.

Justification

The membership of the Board of Directors has excluded the Director of the Kenya Bureau of Standards, a position which exists in the Pest Control Products Act, Cap 346. That Act, proposed to be repealed, expressly provides for the representation of the Bureau on the Pest Control Products Board, in recognition of the close functional relationship between product standardization and pest control product regulation. Clause 9(2) omits this seat, notwithstanding that clause 8(d) confers on the same Authority the function of prescribing and enforcing standards, a function that properly sits with the Bureau under the Standards Act.

Board level representation is the practical mechanism by which technical standard-setting decisions taken by the Authority, including registration conditions, classification, packaging and labelling requirements, can be tested against and harmonized with existing Kenya standards before they are adopted. Including the Director is consistent with the whole of government and coordinated regulatory approach that the Bill commits to under its guiding principles in clause 5, the national values of governance under Article 10, and the values of public service under Article 232 of the Constitution.

Committee Observation/Recommendation

The proposal was adopted with amendments by the Committee by including KEBS, KEPHIS, NEMA and other relevant bodies in the Technical Advisory Committee established under Clause 27(8) because of the nature of the functions to be undertaken by the Board. Further, the membership of the Board of Directors of the Authority has excluded the Director of the Kenya Bureau of Standards, a position which exists in the Pest Controls Products Act, Cap 346 hence the need for a representation in the Technical Advisory Committee.

Clause 28(3)

62. The Bureau proposed to delete clause 28(3), which empowers the Authority to assign a mark of quality to registered pest control products.

Justification

Section 10 of the Standards Act empowers the National Standards Council to gazette a standardization mark for application to products that have met the relevant standard. The clause therefore duplicates the Bureau's function of issuing the Standardization Mark and the Diamond Mark of Quality under Section 10 of the Standards Act. Both marks are recognized by consumers, traders and regulators in Kenya and across the East African region as the official indicator that a product has met the relevant Kenya or East African standard.

Two competing quality marks for the same product category would confuse consumers and traders, weaken confidence in either mark, and undermine the Bureau's role as the single national quality-marking body. A second, statute-specific quality mark would also complicate market surveillance and counterfeit enforcement. Deleting clause 28(3) removes this risk at no loss of consumer protection, since the existing Standardization Mark already serves this purpose for registered products.

Committee Observation/Recommendation

The proposal was adopted by the Committee because section 9 of the Standards Act designates the Kenya Bureau of Standards (KEBS) as the National Standards Body, and section 10 vests the National Standards Council with the exclusive power to declare Kenya Standards.

4.3 THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

63. In a memorandum signed by Dr. Mamo B. Mamo, PhD, EBS, Director General, the National Environment Management Authority submitted comments on the Bill. The Authority raised general observations and specific clause-based comments.

General Observations

64. The Authority observed that the Bill deviates from the regulation of pesticides as previously contained in the Pest Control Products Act and expands its scope to regulating certain aspects of the environment. It stated that this presents potential future conflicts with the Environmental Management and Coordination Act (EMCA) and its regulations, and with the Sustainable Waste Management Act of 2020. It stated that section 3 of the Bill duplicates its function under Section 94 of EMCA, Cap 387, by stripping the Authority of its pre-existing mandate in the registration of pesticides and toxic substances.

65. The Authority undertook a comparative analysis. It noted that sections 3 and 4 of the Bill introduce legislation within a sector already regulated by NEMA. It observed that safeguarding human health and the environment from risks associated with pest control products, under section 4, is a function already undertaken by both NEMA and the Ministry of Public Health. It stated that good practice requires the sponsor of a Bill to conduct a Regulatory Impact Statement before submission to Parliament, and that no regulatory gap was identified because most provisions are already addressed under EMCA.

66. On certification and registration, the Authority noted that section 21(d) of the Bill empowers the Authority to inspect and issue certificates to pest control products business operators, whereas Section 97 of EMCA already provides for the registration of pesticides and toxic

substances. On seizure, it noted that section 25 of the Bill outlines seizure, forfeiture and disposal, whereas Section 99 of EMCA already empowers environmental inspectors to exercise those actions. On regulations, it noted that Part IV of the Bill usurps the role of the Cabinet Secretary responsible for the Environment under Section 100 of EMCA. On importation, sale and distribution, it noted that section 40(1) duplicates the function of NEMA under Section 98(2) of EMCA. On offences, it noted that Section 141(e) of EMCA already regulates offences relating to pesticides, and that the Environmental Management and Coordination (Management of Toxic and Hazardous Chemicals and Materials) Regulations, Legal Notice 182 of 2024, also cater to some chemical components of pesticides.

67. The Authority concluded that the Bill should focus on pest control products and support or fill gaps in existing laws and regulation, that it should incorporate sustainability aspects such as the Circular Economy and Extended Producer Responsibility, and that it should enhance environmental tools such as the Environmental Impact Assessment and the Environmental Audit.

The Authority submitted the following specific comments:

Clause 3(1)(i)

68. The provision applies the Act to premises dealing with pest control products and the disposal of pest control product waste, used containers or contaminated materials.

Justification

There is need for clarity on premises since NEMA regulates waste transfer stations and Material Recovery Facilities.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 3(1)(m)

69. The provision applies the Act to the monitoring and surveillance of formulated products and residues in food and environmental samples.

Justification

This should be done in consultation with NEMA or other agencies such as the Water Resources Authority. EMCA has a role on the same. Alternatively, delete the words environmental samples.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 4(a)

70. The provision states that the purpose of the Act is to safeguard human health and the environment from risks associated with pest control products.

Justification

This is the mandate of NEMA. It should be done in consultation with NEMA.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 8(c)

71. The provision lists the function of the Authority to safeguard human health and the environment from risks associated with pest control products.

Justification

This is the mandate of NEMA. It should be done in consultation with NEMA.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 8(h)

72. The provision lists the function of the Authority to sample and analyse pest control products and residues thereof in produce and the environment.

Justification

This covers EMCA and its regulations, for example on water quality. It raises the question whether the Act will set new standards for pesticides in the environment.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 8(l)

73. The provision lists the function of the Authority to oversee and supervise the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers.

Justification

This is the mandate of NEMA through EMCA and applicable Acts and regulation. Clause 8(k) of the Bill may suffice.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 8(m)

74. The provision lists the function of the Authority to safeguard the environment from risks associated with pest control products through risk assessment.

Justification

This is a coordinative mandate of NEMA. It should be done in consultation with NEMA, or the paragraph should be deleted.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 8(n)

75. The provision lists the function of the Authority to offer technical assistance to the county government on safeguarding the environment from risks associated with pest control products.

Justification

This is a coordinative mandate of NEMA. It should be done in consultation with NEMA, or the paragraph should be deleted.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 9 (Board composition)

76. The Authority proposed to include the Principal Secretary in the Ministry for the time being responsible for matters relating to the Environment as a member of the Board.

Justification

Environment is missing, which seems deliberate as the Bill assumes a mandate in the environment. The Principal Secretary responsible for the environment should be added to provide a bridge with environment laws and related environment issues.

Committee Observation/Recommendation

The proposal was adopted with amendments by the Committee by including KEBS, KEPHIS, NEMA and other relevant bodies in the Technical Advisory Committee established under Clause 27(8) because of the nature of the functions to be undertaken by the Board. Further, the membership of the Board of Directors of the Authority has excluded the Director of the Kenya Bureau of Standards, a position which exists in the Pest Controls Products Act, Cap 346 hence the need for a representation in the Technical Advisory Committee.

Clause 23(d)

77. The Authority proposed to delete clause 23(d), which provides for the designation and establishment of pest control products waste collection and disposal sites in collaboration with the National Environment Management Authority.

Justification

The role of NEMA is clearly stipulated in its laws and regulations.

Committee Observation/Recommendation

The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 48(2)(g)

78. The provision provides for a disposal certificate among the certificates issued under the Act.

Justification
NEMA issues the same through its regulations. There is a potential for double charges. The certificate should be obtained from NEMA.

Committee Observation/Recommendation
The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 53(1) to (5)
79. The provisions provide for the establishment, designation and authorization of laboratories.

Justification
Review this section or include working in consultation with NEMA because EMCA designates laboratories for environmental samples, which covers pesticides. The scope should be clear as it covers environmental samples. It also raises what happens to laboratories already designated by NEMA which undertake pesticide analysis.

Committee Observation/Recommendation
The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

Clause 67(1) and (2)
80. The provisions provide for health and environment incidents reporting.

Justification
This is a mandate of NEMA through its Acts and Regulations, notably the Deposit Bond Regulations, among others. Revise to be done in consultation with NEMA and other relevant agencies on health.

Committee Observation/Recommendation
The proposal was adopted with amendment by the Committee, to allow the functions under subclause (2) to be done in consultation with NEMA because they involves issues to do with the environment.

Clause 69(2)(s)
81. The provision provides for regulations on the disposal of pest control products and associated waste.

Justification
EMCA and the Sustainable Waste Management Act have regulations on wastes. It causes duplication and confusion of mandate in the public. An agency may provide specific guidelines that support existing laws and regulations. The Bill should avoid providing for regulations that already exist, as this increases the risk of double charges.

Committee Observation/Recommendation
The Committee noted the overlap of functions in the Environmental Management and Co-Ordination Act Cap. 387, and proposed consequential amends to sections 94, 97, 99 and 100 to cure the overlaps.

4.4 THE COUNCIL OF GOVERNORS (COG)

82. The Council of Governors, through its Chief Executive Officer, Ms. Mary Mwiti, EBS, submitted comments on the Bill. The Council welcomed the enactment of the Bill as a step towards strengthening the regulation of pest control products through a modern, efficient and science-based regulatory framework. The Council recognized that the regulation of pest control products is critical in safeguarding human, animal and plant health, promoting sustainable agricultural production, facilitating domestic and international trade, and protecting the environment.

83. The Council observed that the Bill should align with the constitutional framework on devolution set out under Articles 6(2), 10, 186 and 189 of the Constitution, read together with the Fourth Schedule. It noted that the National Government is responsible for policy formulation, the establishment of national regulatory standards, product registration, the regulation of international trade, and ensuring compliance with national and international obligations. It noted that County Governments are mandated to undertake implementation functions relating to agriculture, including crop husbandry and plant disease control, county health services, county trade development and regulation, environmental management at the county level and local enforcement.

84. The Council proposed that the Bill clearly distinguish the national regulatory functions of the Pest Control Products Authority from the implementation and local regulatory functions of County Governments. It proposed that the Authority issue the manufacturing, formulator's, agency, export, import and commercial training certificates. It proposed that the respective County Government issue the re-packing, distributor, retailer, warehousing, disposal, pest control services, commercial spray service provider's, wholesaler, storage and use certificates, and the trade licence for premises.

The Council proposed the following specific amendments:

Clause 4

85. The Council proposed to insert a new paragraph (e) immediately after paragraph (d) to provide that the purpose of the Act includes to "promote cooperation between the national and county governments in the regulation, monitoring and safe use of pest control product."

Committee Observation/Recommendation
The proposal was agreed to in order to align the Bill with Articles 6(2) and 189 of the Constitution.

Clause 8(d)

86. The Council proposed to amend paragraph (d) to read "prescribe standards and regulations in respect of pest control products."

Justification
To align to the provisions of the Fourth Schedule to the Constitution, which devolved health services including refuse removal, refuse dumps and solid waste disposal. The Authority should

only prescribe the guidelines, standards and regulations which Counties will oversee for enforcement within their jurisdictions.

Committee Observation/Recommendation
The proposal was rejected by the Committee because the Committee the Committee because overseeing the implementation of standards is a function of the Authority and not county governments.

Clause 8(f)

87. The Council proposed to amend paragraph (f) so that the Authority implements international treaties and conventions relating to pest control products which Kenya has ratified in collaboration with county governments.

Committee Observation/Recommendation
To align to the provisions of the Fourth Schedule to the Constitution, which devolved health services including refuse removal, refuse dumps and solid waste disposal. The Authority should only prescribe the guidelines, standards and regulations which Counties will oversee for enforcement within their jurisdictions.

Committee Observation/Recommendation
The proposal was rejected by the Committee because the Committee has proposed to designate the Authority as the Designated National Authority on matters pesticides and represents Kenya in the technical committees in international fora. Internationally, only one body is recognized.

Clause 8(g)

88. The Council proposed to amend paragraph (g) so that the Authority conducts periodic reviews of registered pest control products in collaboration with county governments.

Justification
To align to the provisions of the Fourth Schedule to the Constitution, which devolved health services including refuse removal, refuse dumps and solid waste disposal. The Authority should only prescribe the guidelines, standards and regulations which Counties will oversee for enforcement within their jurisdictions.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority under the law and not county governments.

Clause 8(l)

89. The Council proposed to amend paragraph (l) to provide for capacity building of county governments on the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers.

Justification
To align to the provisions of the Fourth Schedule to the Constitution, which devolved health services including refuse removal, refuse dumps and solid waste disposal. The Authority should only prescribe the guidelines, standards and regulations which Counties will oversee for enforcement within their jurisdictions.

Committee Observation/Recommendation

The proposal was rejected by the Committee because pest control products are considered hazardous materials and their disposal is a function of the Authority.

Clause 8(n)

90. The Council proposed to amend paragraph (n) so that the Authority offers technical assistance to the county government on pest control products.

Justification

To align to the provisions of the Fourth Schedule to the Constitution, which devolved health services including refuse removal, refuse dumps and solid waste disposal. The Authority should only prescribe the guidelines, standards and regulations which Counties will oversee for enforcement within their jurisdictions.

Committee Observation/Recommendation

The proposal was rejected by the Committee because handling of pest control products is a function of the Authority and not county government.

Clause 10(b)

91. The Council proposed to amend paragraph (b) so that the Board suspends or cancels certificates or permits issued by the Authority under the Act.

Justification

To clarify that the Board's primary role under the Act is to provide strategic oversight and governance over the functions and operations of the Authority, in accordance with the principles of good corporate governance.

Committee Observation/Recommendation

The proposal was adopted by the Committee to provide clarity on the certificates or permits that the Authority can cancel or suspend.

Clause 21(c)

92. The Council proposed to amend paragraph (c) so that inspectors provide technical assistance to county governments on the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers.

Justification

To align the functions of the Inspectors at the national level to the functions of the Authority.

Committee Observation/Recommendation

The proposal was rejected by the Committee because pest control product are considered hazardous materials and their disposal is a function of the authority.

Clause 21(d)

93. The Council proposed to amend paragraph (d) so that inspectors inspect and issue certificates on behalf of the Authority upon compliance with the Act or Regulations made thereunder.

Justification

To align the functions of the Inspectors at the national level to the functions of the Authority.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority in the Bill and not county government.

Clause 23(g)

94. The Council proposed to amend paragraph (g) so that county governments regulate pest control products agro-dealers and premises by issuing certificates and trade licenses upon compliance with the Act or Regulations made thereunder. The Council further proposed to insert new paragraphs to provide for county governments to oversee and supervise the disposal of obsolete and expired pest control products and associated wastes, to enforce standards and regulations, to monitor and conduct surveillance in collaboration with the Authority, and to suspend or cancel certificates or permits issued under the Act.

Justification
To align the provision with the Fourth Schedule to the Constitution, which assigns plant and animal disease control, county health services including veterinary services but excluding the regulation of the profession, trade development and regulation, and refuse removal, refuse dumps and solid waste disposal to county governments.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority in the Bill and not county government.

Clause 24(c)

95. The Council proposed to amend paragraph (c) so that county inspectors, on behalf of the county government, oversee and supervise the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers.

Justification
To align the functions of the inspectors appointed by County Governments with the functions assigned to County Governments under the Fourth Schedule to the Constitution.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority in the Bill and not county government.

Clause 24(g)

96. The Council proposed to amend paragraph (g) so that county inspectors monitor the management of empty pesticide container collection sites and the disposal of pest control products wastes. Further, the Council proposed to insert a new paragraph to provide for county inspectors to inspect and issue certificates on behalf of the County Government upon compliance with the Act or Regulations made thereunder.

Justification
To align the functions of the inspectors appointed by County Governments with the functions assigned to County Governments under the Fourth Schedule to the Constitution.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority in the Bill and not county governments.

Clause 25(1)

97. The Council proposed to amend subclause (1) so that whenever an inspector believes, on reasonable grounds, that the Act or the Regulations made thereunder have been contravened, the inspector may seize and detain the pest control product in relation to which the contravention was committed. The amendment removes the reference to an inspector appointed by the Authority.

Justification

The provision, as currently worded, is discriminatory against inspectors appointed by County Governments. The proposed amendment ensures that the provision applies equally to all inspectors, regardless of the appointing authority.

Committee Observation/Recommendation

The proposal was adopted with amendment by the Committee to allow an inspector appointed by the county government secure the premises where there is a suspected contravention awaiting necessary action by the Authority.

Clause 27(8)

98. The Council proposed to amend subclause (8) so that the Board appoints an intergovernmental technical advisory committee to assist the Registrar in the consideration of applications made under the section.

Justification

To provide for the representation of county governments on the Technical Advisory Committee, as decisions relating to the registration of pest control products have a direct impact on the performance of the devolved functions assigned to county governments under the Constitution.

Committee Observation/Recommendation

The proposal was rejected by the Committee because the Registrar needs a Technical Advisory Committee to advise on technical matters and not Intergovernmental Committee which advises on governance matters.

Clause 42(2)

99. The Council proposed to insert a new subclause (2A) immediately after subclause (2) so that the Authority may consult county governments that may be affected by the research before issuing authorization.

Justification

To provide for the participation of counties in research processes.

Committee Observation/Recommendation

The proposal was adopted by the Committee to allow the Authority to consult county government that might be affected by the research before authorizing the research.

Clause 43(1)

100. The Council proposed to amend subclause (1) so that the Authority and each County Government establish measures to encourage and recognise local innovation in the development and management of pest control products.

Justification
To provide for the participation of counties in the promotion of innovations.

Committee Observation/Recommendation
The proposal was adopted by the Committee to enable county governments to establish measure to encourage recognition of local innovation.

Clause 45(2)

101. The Council proposed to amend the opening statement of subclause (2) so that the Cabinet Secretary, in consultation with County Governments, makes the Regulations.

Justification
To provide for consultation with the counties, noting that the disposal of solid wastes is a devolved function under the Fourth Schedule to the Constitution.

Committee Observation/Recommendation
The proposal was rejected by the Committee because the regulation do not involve the functions of the county governments and the regulation making process involves consulting all the relevant stakeholders.

Clause 47(1)

102. The Council proposed to amend subclause (1) so that any person who intends to deal in pest control products applies to the Authority or the respective County Executive Committee Member for a certificate or a license in the prescribed form accompanied by the prescribed fee.

Justification
To align to the provisions of the Fourth Schedule to the Constitution, which assigns functions to the two levels of government. The Council requests the National Assembly to adopt the proposed classification of certificates and licenses, which shall be issued by the Authority and the respective County Government.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority in the Bill and not county government.

Clause 47(2)

103. The Council proposed to amend subclause (2) so that the Authority and the County Executive Committee Member evaluate the application, conduct inspection of the premises of the applicant, and if satisfied issue the applicant with a certificate or license.

Justification
To align to the provisions of the Fourth Schedule to the Constitution, which assigns functions to the two levels of government. The Council requests the National Assembly to adopt the proposed classification of certificates and licenses, which shall be issued by the Authority and the respective County Government.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority in the and not county government.

Clause 47(3)

104. The Council proposed to amend subclause (3) so that the Cabinet Secretary makes Regulations in consultation with the Authority and county governments.

Justification

To align to the provisions of the Fourth Schedule to the Constitution, which assigns functions to the two levels of government. The Council requests the National Assembly to adopt the proposed classification of certificates and licenses, which shall be issued by the Authority and the respective County Government.

Committee Observation/Recommendation

The proposal was rejected by the Committee because the regulations do not involve the functions of the county governments and the regulation making process involves all the consulting all the relevant stakeholders.

Clause 48(1)

105. The Council proposed to amend subclause (1) so that no person deals in pest control products in the listed ways without a certificate issued by the Authority or the County Executive Committee Member as provided for under section 2.

Justifications

The proposed classification aligns with the Fourth Schedule to the Constitution by recognizing that trade development and regulation, excluding the regulation of professions, and refuse removal, refuse dumps and solid waste disposal, are functions assigned to County Governments. The amendment ensures that the Bill is consistent with the constitutional allocation of functions between the two levels of government.

Committee Observation/Recommendation

The proposal was rejected by the Committee because this is a function of the Authority in the and not county government.

Clause 48(2)

106. The Council proposed to amend subclause (2) so that the Authority issues the manufacturing, formulator's, agency, export, import and commercial training certificates, while the respective County Government issues the re-packing, distributor, retailer, warehousing, disposal, pest control services, commercial spray service provider's and wholesaler certificates.

Justification

The proposed classification aligns with the Fourth Schedule to the Constitution by recognizing that trade development and regulation, excluding the regulation of professions and refuse removal, refuse dumps and solid waste disposal, are functions assigned to County Governments. The amendment ensures that the Bill is consistent with the constitutional allocation of functions between the two levels of government.

Committee Observation/Recommendation

The proposal was rejected by the Committee because this is a function of the Authority in the and not county government.

Clause 48(3)

107. The Council proposed to amend subclause (3) so that the Cabinet Secretary makes Regulations in consultation with the Authority and county governments.

Justification

The proposed classification aligns with the Fourth Schedule to the Constitution by recognizing that trade development and regulation, excluding the regulation of professions, and refuse removal, refuse dumps and solid waste disposal, are functions assigned to County Governments. The amendment ensures that the Bill is consistent with the constitutional allocation of functions between the two levels of government.

Committee Observation/Recommendation

The proposal was rejected by the Committee because the regulation do not involve the functions of the county governments and the regulation making process involves all the consulting all the relevant stakeholders.

Clause 48(4)

108. The Council proposed to amend subclause (4) so that the Authority and the respective county government keep and maintain a register of persons issued with certificates under the section, and so that each county government may share the register with the Authority for purposes of national planning.

Justification

The proposed classification aligns with the Fourth Schedule to the Constitution by recognising that trade development and regulation, excluding the regulation of professions, and refuse removal, refuse dumps and solid waste disposal, are functions assigned to County Governments. The amendment ensures that the Bill is consistent with the constitutional allocation of functions between the two levels of government.

Committee Observation/Recommendation

The proposal was rejected by the Committee because this is a function of the Authority in the Bill and not county government.

Clause 49(1)

109. The Council proposed to amend subclause (1) so that no person uses any premises for the manufacture, formulating, packaging, selling or storing of pest control products in the course of a trade or business unless that person is in possession of a valid trade license issued by the respective County Government under the Act.

Justification

To align the provision with the Fourth Schedule to the Constitution, which assigns the function of trade development and regulation, including the issuance of trade licences, to county governments.

Committee Observation/Recommendation

The proposal was rejected by the Committee because this is a function of the Authority in the and not county government.

Clause 51(3)

110. The Council proposed to amend subclause (3) so that an application for renewal is submitted to the Authority or the respective County Executive Committee Member, as the case may be, on or before the 31st March of each year, and so that a late application is accompanied by a late fee.

Justification
To provide for the certificates and licenses issued by the county governments.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority in the and not county government.

Clause 52(1)
111. The Council proposed to amend subclause (1) so that the Authority or the respective County Executive Committee Member, as the case may be, may suspend or revoke a certificate at any time if satisfied that the holder has contravened or failed to comply with any provision of the Act or any condition to which the certificate is subject.

Justification
To provide for the suspension or revocation of certificates and licenses issued by the county governments.

Committee Observation/Recommendation
The proposal was rejected by the Committee because this is a function of the Authority in the and not county government

Clause 69(1)
112. The Council proposed to amend subclause (1) to provide for the participation of county governments in the making of regulations under the Act.

Justification
To align to the provisions of Articles 6(2) and 189 of the Constitution, so as to provide for the participation of the county governments in the regulatory making process.

Committee Observation/Recommendation
The proposal was adopted with amendments to include consultation of the county governments and other stakes holders in the regulation making process.

4.5 KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ORGANIZATION

113. In a memorandum referenced NA/DDC/A&L/2026/055 dated 29th June 2026, signed by Mr. Patrick K. Ketiem, Director General, the Kenya Agricultural and Livestock Research Organization submitted comments on the Bill. It proposed the following amendments:

Clause 8(c)(i)
114. The Organization proposed to amend paragraph (c)(i) so that the Authority evaluates pest control products before registration in collaboration with research institutions.

Justification

The provision implies that the Authority will do the research. Adding the words in collaboration with research institutions ensures that the Authority engages the research institutions to generate data for the consideration of registration.

Committee Observation/Recommendation
The proposal was adopted with amendment by the Committee to include collaboration of relevant research institutions in the evaluation of pest control products.

Clause 21(e)

115. The Organization proposed to amend paragraph (e) so that inspectors seize and detain any pest control product that is not in compliance with the Act or Regulations made thereunder.

Justification
The product should read a pest control product that is not in compliance. The current reference to the complying product is in error.

Committee Observation/Recommendation
The proposal was adopted by the Committee to correct grammatical error.

Clause 23(b)

116. The Organization proposed to amend paragraph (b) so that county governments train and sensitize agro-dealers, farmers and the public on the responsible use of pest control products.

Justification: Rephrase to read as proposed for grammatical flow.

Committee Observation/Recommendation
The proposal was adopted by the Committee to ensure grammatical flow.

Clause 27(4)

117. The Organization proposed to amend subclause (4) so that the Registrar shall require the applicant to conduct pre-registration and post-registration studies in Kenya to generate data for the purposes of the application.

Justification: Replace the word may with the word shall to make it mandatory for validation trials to be undertaken before the registration of a pest control product.

Committee Observation/Recommendation
The proposal was adopted by the Committee to make it mandatory for an applicant to conduct pre-registration and post-registration studies to generate data for purposes of registration of a pest control product.

Clause 27(5)(a)(iii)

118. The Organization proposed to amend subclause (5)(a)(iii) so that it reads compliance with such requirements as may be prescribed under any regulation made under the Act.

Justification: Rephrase the clause for syntactical clarity.

Committee Observation/Recommendation

The proposal was adopted by the Committee to correct grammatical error.
Clause 38(1)

Clause 38(1)

119. The Organization proposed to amend subclause (1) so that a person commits an offence if that person adulterates, counterfeits, or offers for sale an unregistered pest control product, label or package for a pest control product.

Justification: The statement seems incomplete and rephrasing will ensure completeness.

Committee Observation/Recommendation
The proposal was adopted by the Committee to criminalize the sale unregistered pest control products.

Clause 69(2)

120. The Organization proposed to amend subclause (2) by deleting the words Cabinet Secretary appearing before the words the regulations.

Justification: Delete the word Cabinet Secretary appearing before "the" for grammatical flow.

Committee Observation/Recommendation
The proposal was adopted by the Committee to correct a grammatical error.

Additional Comments

121. KALRO further proposed that the Bill incorporate the following provisions:
1) Establish a framework for the support of Integrated Pest Management techniques and safer alternatives to synthetic chemicals.
2) Strengthen post-registration monitoring and surveillance for resistance.
3) Explicitly and formally integrate national research institutions into the governance and technical advisory structures of the Authority.
4) Introduce a clause on the periodic scientific review of registered active ingredients.
5) Provide for the fast-tracking of the registration of biological products, since they are safer than synthetic molecules.
6) Consider the establishment of a National Pest Control Products Scientific Advisory Committee with representation from KALRO, KEPHIS, universities, the regulators and other relevant agencies.
7) Outline mechanisms to promote public-private partnerships for the development of safer pest control products.
8) Support research on local alternatives to highly hazardous pesticides and encourage gradual substitution where scientifically feasible.
9) Hold forums for gathering stakeholder views on the performance of and emerging concerns on pesticides already in the market and communicate the actions taken.

Committee Observation/Recommendation
Committee took into consideration the additional comments during their consideration of the Bill.

4.6 KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)

122. In a memorandum signed by Prof. Theophilus M. Mutui, PhD, Managing Director, the Kenya Plant Health Inspectorate Service submitted comments on the Bill. The Service supported the enactment of the Bill subject to strengthening provisions that improve risk-based regulation and post-registration surveillance, enhance coordination with national competent authorities, and align implementation with international obligations and export market requirements. The Service submitted the following observations and proposals:

Board Composition (Clause 9)

123. Current technical representation appears insufficient; therefore, institutions mandated with plant health, laboratory science, and food safety should be included to bolster scientific and technical decision-making.

Justification: Enhances scientific and technical decision making.

Committee Observation/Recommendation

The proposal was adopted with amendments by the Committee by including KEBS, KEPHIS, NEMA and other relevant bodies in the Technical Advisory Committee established under Clause 27(8) because of the nature of the functions to be undertaken by the Board. Further, the membership of the Board of Directors of the Authority has excluded the Director of the Kenya Bureau of Standards, a position which exists in the Pest Controls Products Act, Cap 346 hence the need for a representation in the Technical Advisory Committee.

Registration of Pest Control Products (Clause 27)

124. To ensure registration provisions account for local conditions and trade implications, the regulatory framework should explicitly mandate scientific risk assessments alongside evaluation of local efficacy, residue data, and crop use patterns.

Justification: Supports evidence-based decisions.

Committee Observation/Recommendation

The proposal was rejected by the Committee because it is a general proposal to Clause 27 without specifying any particular subclause. However, the Committee notes that the details of the proposals will be included in the specific regulations.

EAC Guidelines Application (Clause 30)

125. While regional harmonisation is commendable, the framework should explicitly affirm the application of East African Community requirements while safeguarding Kenya's sovereign prerogative to enforce stricter measures where scientifically justified.

Justification: Protects national interests and export obligations.

Committee Observation/Recommendation

The proposal was rejected by the Committee because it is a general recommendation and does not propose any specific amendment to any subclause.

Re-evaluation of Registered Products (Clause 32)

126. Although the provision is commendable, the frequency remains ambiguous; therefore, the Bill or subsidiary regulations should establish mandatory periodic review intervals alongside clear, trigger-based reassessment mechanisms.

Justification: Ensures continued product safety.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it is a general recommendation and does not propose any specific amendment to any subclause. Further, the clause for making of regulations to operationalize the clause.

Banned and Restricted Products (Clause 37)

127. To establish transparent criteria for restrictions, the framework should mandate the formal publication of risk assessment outcomes alongside structured transition arrangements.

Justification: Improves transparency and compliance.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it is a general recommendation and does not propose any specific amendment to any subclause.

Counterfeit Pest Control Products (Clause 38)

128. While the current draft incorporates robust provisions, it should further strengthen traceability mechanisms, digital registration, and post-market surveillance.

Justification: Reduces illegal pesticide trade.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it is a general recommendation and does not propose any specific amendment to any subclause.

Research Authorization (Clause 42)

129. While robust research controls remain essential, the regulatory framework should introduce exemptions and streamlined approval pathways for accredited public research institutions operating under controlled conditions.

Justification: Supports innovation and local evidence generation.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it is a general recommendation and does not propose any specific amendment to any subclause.

Local Innovation and Development (Clause 43)

130. While the provision is commendable, consideration should be given to introducing targeted fiscal and regulatory incentives for local formulation, biopesticides, and residue-reduction technologies.

Justification: Supports the agricultural transformation agenda.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it is a general recommendation and does not propose any specific amendment to any subclause.

Importation and Export Controls (Clause 40)

131. Given that coordination mechanisms remain inadequate, the framework should incorporate integrated border management alongside mandatory information-sharing protocols among competent regulatory agencies.

Justification: Improves efficiency and compliance.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it is a general recommendation and does not propose any specific amendment to any subclause.

Manufacture, Distribution, Sale and Use (Clause 41)

132. To strengthen the traceability framework, the Bill should mandate interoperable electronic record-keeping alongside end-to-end product tracking systems across the distribution chain.

Justification: Improves surveillance and recall capability.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it is a general recommendation and does not propose any specific amendment to any subclause.

Inspection Powers (Clauses 21 and 24)

133. To avert potential jurisdictional overlaps between national and county inspection bodies, the legislation should delineate distinct mandates and institutionalise joint inspection protocols.

Justification: Avoids duplication and conflict.

Committee Observation/Recommendation
The Proposal was adopted with amendments by the Committee to ensure there is no conflict in the roles of the Inspectors appointed by the Authority and those appointed by the county government.

4.7 THE MINISTRY OF HEALTH

134. Through a memorandum signed by Ms. Mary Muthoni Muriuki, CBS, Principal Secretary, the State Department for Public Health and Professional Standards, the Ministry submitted comments on the Bill. A representative appeared before the Committee on 2nd July 2026 and made the following comments.

135. The Ministry recognized the importance of establishing a modern legal framework for the regulation of pest control products to safeguard human health, protect the environment, facilitate agricultural productivity and strengthen regulatory oversight. The Ministry made the following specific comments:

Recognition of the Health Sector

136. The Ministry noted that the Bill provides for the Principal Secretary responsible for Health to serve as a member of the Board of the Pest Control Products Authority and recommended that this provision be retained to ensure that public health considerations are integrated into policy formulation, regulatory decision-making and oversight. It recommended that the Bill recognise the role of the County Executive Committee Members for Health and County Public Health Officers in the implementation of the Act, especially in monitoring, disposal, awareness creation and training on the safe use of pest control products, and that Public Health Officers be authorized for these functions.

137. On Part II on the Functions of the Authority, it recommended that monitoring and surveillance of pesticide residues be restricted to the Authority's mandate to avoid duplication or overlapping with the Ministry of Health and County Departments of Health.

Strengthening Public Health Protection

121. The Ministry recommended that the Bill expressly provide for collaboration between the Authority and the Ministry of Health in the surveillance of pesticide poisoning and other adverse health effects arising from exposure to pest control products, the monitoring of occupational and community exposure to pesticides, the investigation of food contamination incidents involving pest control products, and public education, awareness creation, research and training on the safe handling, storage, transportation, use and disposal of pest control products. It further recommended that the Bill require the Authority to establish information sharing mechanisms with the Ministry of Health, including surveillance data, laboratory findings and other relevant information relating to poisoning incidents, food contamination and environmental exposure.

Environmental and Human Health Monitoring

138. The Ministry recommended that the Act provide that the Authority collaborate with the Ministry of Health and County Departments of Health in monitoring pesticide residues in food, drinking water and the environment, undertaking health risk assessments, and implementing appropriate public health interventions where risks are identified.

One Health and Inter-sectoral Coordination

139. The Ministry supported the adoption of the One Health approach and recommended that the Bill institutionalize coordination among the Ministries responsible for Health, Agriculture, Environment and Trade, and the County Governments, to strengthen surveillance, risk assessment, emergency preparedness and response, information sharing and joint enforcement activities.

Emergency Preparedness and Response

140. The Ministry recommended that the Bill provide clear mechanisms for preparedness and coordinated response to chemical incidents, pesticide poisoning outbreaks, food contamination events, product recalls and other public health emergencies associated with pest control products, and that the Ministry of Health have the lead responsibility for coordinating the public health aspects of such responses.

Capacity Building

141. The Ministry recommended continuous training, competency development and certification of pesticide applicators, inspectors, health workers, laboratory personnel, poison information personnel and other relevant stakeholders on the safe management of pest control products and response to poisoning incidents.

Alignment with National and International Obligations

142. The Ministry recommended that the implementation of the Act be harmonized with the Constitution of Kenya 2010, the Health Act 2017, the Public Health Act (Cap 242), the Food, Drugs and Chemical Substances Act (Cap 254), the Food and Feed Safety Control Coordination Act 2026, the Environmental Management and Coordination Act, the Occupational Safety and Health Act 2007, the International Health Regulations 2005, and the Rotterdam, Stockholm and Basel Conventions.

143. The Ministry concluded that it supports the overall objectives of the Bill as a comprehensive framework for regulating pest control products while promoting the protection of human health, food safety and the environment. Subject to the incorporation of its recommendations, the Ministry supports the enactment of the Bill and remains available to provide further technical assistance to the Committee.

Committee Observation/Recommendation

Committee took into consideration the comments by the Ministry of Health, State Department for Public Health and Professional Standards during its consideration of the Bill.

4.8 AAK-GROW/CROPLIFE KENYA

144. In a memorandum signed by Mr. Joel Mutai, Chief Executive Officer, aak-GROW/CropLife Kenya submitted comments on the Bill. The organization is the umbrella body for manufacturers, producers, importers, formulators, distributors and users of pest control products in Kenya. Its mission is to foster stewardship and promote the responsible use of pest control innovations. The organization submitted general comments organized by the Parts of the Bill:

Part III, Inspectors and Analysts

145. On sections 23 and 24, the organization proposed that the Bill provide an avenue for collaboration with counties in awareness training on good agricultural practices, on pest control product training and the waste management of empty pesticide containers and related wastes, and on the fighting of counterfeiters.

Part IV, Registration of Pest Control Products

146. The organization proposed clear provisions on the registration and approval process of pest control products, from application to the technical review process. It proposed the recognition of the East African Community guidelines. It proposed the introduction of a punitive penalty for illegal or unregistered products of one million shillings or two years imprisonment. It noted that section 37 provides clear provisions for banning a pest control product in line with international practices. It noted that section 38 creates an offence for adulterators, counterfeiters, users of empty containers and introducers of substandard pest

control products, attracting a fine of two to ten million shillings or seven years imprisonment.

Part V, Importation, Exportation and Research

147. The organization proposed clear procedures for the importation of registered pest control products. It noted that section 40 allows no room for unregistered or expired products, that section 41 provides for better regulation of manufacturers, distributors, sellers and users, that misleading advertisement is an offence, that section 43 provides a clear provision to support local innovations in pest control products, that section 44 provides guidance on the transport of pest control products, and that section 45 provides mechanisms for the management of obsolete stock by agro-dealers.

Part VI, Manufacture, Certification, Transportation and Disposal of Pest Control Products

148. The organization noted that this Part provides clarity on the management of dealers of pest control products across the value chains, from manufacturers and transporters to stockists, in terms of obtaining certificates or licenses to undertake the business, including the disposal certificate and the certification of spray service providers and transporters.

Committee Observation/Recommendation

Committee took into consideration the comments by aak-GROW/CropLife Kenya during its consideration of the Bill.

4.9 AGROBIODIVERSITY AND AGROECOLOGY STAKEHOLDERS

150. The submitting entities included the Intersectoral Forum on Agrobiodiversity and Agroecology (ISFAA), Route to Food Initiative (RTFI), Participatory Ecological Land Use Management (PELUM Kenya), and affiliated civil society and smallholder networks.

151. The Coalition supports the modernization of Kenya's pesticide governance framework to replace the repealed Pest Control Products Act (Cap. 346). However, the submitters contend that the Pest Control Products Bill, 2025, largely replicates the outdated architecture of Cap. 346 without sufficient alignment with Kenya's constitutional obligations (Articles 10, 35, 42, 43, 69, and 70), international conventions (Rotterdam Convention, FAO/WHO Code of Conduct, SAICM), and the National Agroecology Strategy (NAS-FST 2024–2033).

152. The primary thrust of the submission is to shift Kenya's regulatory paradigm from an unenforceable "risk-mitigation" model under tropical smallholder field conditions to an international "hazard-based" cut-off model, while removing institutional conflicts of interest, establishing a distinct fast-track for biological inputs, protecting smallholders, and preventing Kenya from becoming a dumping ground for pesticides banned abroad.

The following are the key thematic issues and stakeholder proposals:

153. **Statutory Framing and Guiding Principles (Sections 1, 5, 6)**

Issue: The Bill frames pest control primarily around chemical commodities and commercial trade rather than sustainable pest systems. Section 6 imports general constitutional values but lacks sector-specific environmental doctrines.

Proposed Amendment: Re-title the legislation to the *Pest Management and Control Products Bill, 2025*. Expand the statutory purpose and principles in Sections 5 and 6 to explicitly mandate the precautionary principle, polluter-pays principle, scientific independence, and the principle of substitution (prioritising biological inputs over hazardous synthetics).

Committee Observation/Recommendation
The proposal was rejected by the Committee; the title of the Bill covers the scope and mandate of the intended purpose.

154. **Board Independence and Conflict of Interest (Sections 9–13, 17, 18, First Schedule)**
Issue: Section 9(2)(g)(i) reserves a Board seat for the Agrochemicals Association of Kenya (AAK)—a regulated industry entity—creating an institutional conflict of interest. There is no reserved seat for independent science, environmental protection, or consumers, nor are there cooling-off periods for leadership.

Proposed Amendments:
a) Delete Section 9(2)(g)(i) and allocate representation to an independent toxicologist/environmental scientist nominated by NEMA, a consumer protection representative, and an organic/agroecological farmer representative.
b) Insert Section 9(5) barring individuals with commercial links to the synthetic pesticide industry from appointment or co-optation.
c) Require the Chairperson and Managing Director to possess public-interest scientific qualifications with no commercial pesticide links within the preceding 5 years.
d) Require a 3-year post-employment restriction for Authority staff and raise Board decision-making quorum from one-half to two-thirds.

Committee Observation/Recommendation
The proposal was rejected by the Committee, the Committee proposed to incorporate NEMA Technical Advisory Composition while the other proposals are details that can be included in the regulations and not the main legislation.

155. **Hazard-Based Regulation and Highly Hazardous Pesticides (HHPs) (Sections 27, 37, New 32A)**
Issue: Sections 27 and 37 rely on risk management, presuming smallholder farmers can safely mitigate hazards using personal protective equipment (PPE)—an unrealistic premise under local field realities. The Bill also lacks an enforceable periodic re-evaluation trigger.
Proposed Amendments:
a) Amend Section 37(1)(b) to require the mandatory ban of any active ingredient meeting FAO/WHO criteria for HHPs (carcinogenicity, mutagenicity, reproductive toxicity, severe aquatic/pollinator eco-toxicity), irrespective of theoretical mitigation measures or PPE.
b) Delete the Section 37(1)(b)(iii) mitigation loophole.
c) Insert Section 32A mandating re-evaluation within 6 months upon emergence of new toxicity data, bans in export/origin countries, or substantiated citizen/CSO petitions.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it contains technical details that should be included in the regulations and not the main legislation.

156. **Dual Track for Biological and Ecological Inputs (Sections 8, 27, 28, 47, 53)**
Issue: Low-risk biopesticides, botanicals, and microbials are subjected to the same onerous data requirements, trial periods, laboratory standards, and fees as hazardous synthetics, stymieing local innovation.

Proposed Amendment: Create a distinct, expedited, low-cost registration pathway for biological and ecological inputs. Add a distinct product classification in Section 28(1) and allow the Registrar to waive intensive local field trials where safe history or literature exists, with a 90-day statutory determination turnaround. Subsidise or zero-rate certification fees under Section 47 and establish a dedicated biologicals verification laboratory protocol under Section 53.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it contains technical details that should be included in the regulations and not the main legislation.

157. **Expanded Enforcement, Inspectorate and County Mandate (Sections 20, 21, 23, 24, 25)**
Issue: Inspection is restricted to commercial premises, leaving inspectors unable to investigate spray drift, water contamination, or pesticide residue at the farm gate. Section 21(e) contains a self-contradictory drafting error ("seize and detain any complying pest control product that is not in compliance").

Proposed Amendments:
a) Rectify the drafting error in Section 21(e).
b) Expand entry and inspection powers to farms, open agricultural lands, water bodies, soil, and transit vehicles.
c) Require County Governments and inspectors to enforce buffer zones around schools and wetlands, monitor pesticide drift, sample Maximum Residue Limits (MRLs), track acute poisonings, and establish botanical input hubs.

Committee Observation/Recommendation
The proposal was adopted with amendments to correct the drafting errors in Clause 21(a) and (e). The other proposals are general comments that do not recommend specific amendments to any subclause.

158. **Penalties, Corporate Liability, and Extended Producer Responsibility (EPR) (Sections 25, 34, 49, 54, 58, 67, New 69B)**
Issue: Penalties for corporate violations are as low as KES 50,000, which fail to deter commercial violators. Disposal cost recovery excludes original multinational registrants.

Proposed Amendments:
a) Introduce tiered penalties: maintain modest fines or community service for smallholders but introduce corporate fines of not less than KES 10,000,000 or 5–10% of annual turnover, alongside corporate officer liability.
b) Enact joint and several liability under the polluter-pays principle for disposal costs involving owners, importers, registrants, and local agents.
c) Insert Section 69B establishing mandatory EPR networks for container collection, obsolete stock disposal, and cradle-to-grave waste tracking.
d) Introduce an Environmental and Health Safety Levy on synthetic imports and ring fence at least 20% of the Authority's budget for post-market surveillance.

Committee Observation/Recommendation
The proposal was adopted with amendments. The Committee reviewed some of the penalties to ensure that they are commensurate to the offences.

159. **Preventing Pesticide Dumping and Strengthening Transit (New Section 69A, Section 40)**
Issue: The Bill lacks restrictions on importing pesticides banned in their countries of origin, and weak transit controls risk cargo diversion.

Proposed Amendments: Introduce Section 69A prohibiting the import, registration, or manufacture of any pesticide banned, cancelled, or refused registration in its country of origin or export, revoking existing Kenyan registrations within 90 days of an overseas ban. Mandate port-of-entry manifests, cargo guarantees and tracked border-exit verification for products in transit under Section 40(4).

Committee Observation/Recommendation
The proposal was rejected by the Committee because the provisions on registration, importation and manufacture if pesticides are provided for in the Bill with powers of the Cabinet Secretary to make regulations as well.

160. **Transparency, Data Openness, and Public Registries (Sections 61, 64, 65, 67, 70)**
Issue: Blanket confidentiality clauses risk shielding adverse toxicity, residue and poisoning data under the guise of commercial trade secrets.

Proposed Amendment:
a) Explicitly exclude human toxicity, eco-toxicity, pollinator impact, and food/water residue data from statutory confidentiality definitions.
b) Establish an open-access Public Pesticide Registry and Digital Information Portal.
c) Create a public National Pesticide Incident Register logged within 48 hours; mandate that five incident reports on an active ingredient within 12 months trigger an automatic re-evaluation.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it contains technical details and specific timelines that should be included in the regulations and not the main legislation.

161. **Smallholder and Indigenous Knowledge Protections (Sections 41, 43, 50)**
Issue: Section 41 criminalises farmers and extension workers who prepare or demonstrate traditional botanical preparations without registration. Section 43 fails to guard against biopiracy of local remedies.

Proposed Amendment: Provide explicit statutory exemptions from prosecution for smallholders preparing traditional botanicals for personal use and for non-profit CSOs/extension staff conducting demonstrations. Establish an Indigenous Knowledge and Community Innovation Register, requiring Access and Benefit-Sharing agreements under the Nagoya Protocol prior to any patent grants. Exempt non-profit agroecological education from the commercial training licensing requirement under Section 50.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it contains technical details that should be included in the regulations and not the main legislation.

162. **Transitional Review of the Existing Pesticide Register (Second Schedule)**
Issue: The Bill acknowledges all currently registered pesticides without mandating a safety audit, leaving active ingredients already banned internationally on Kenyan shelves.

Proposed Amendment: Amend the Second Schedule to require a comprehensive, transparent, hazard-based review of all registered products within one year of commencement, with final findings tabled before the National Assembly.

Committee Observation/Recommendation
The proposal was rejected by the Committee because it contains technical details that should be included in the regulations and not the main legislation.

4.10 MS. LYDIA NYAWIRA MBURIA

163. In her memorandum dated 27th June 2026, Ms. Lydia Nyawira Mburia, an Associate Environmental Impact Assessment and Strategic Environmental Assessment Expert with the National Environment Management Authority (NEMA) based at Daystar University, proffered broad sustainability and Environmental, Social and Governance (ESG) proposals spanning Parts IV, V, and IX of the Bill.

164. **Alignment of Registration with Sustainable Development and ESG Principles**
Issue: Pest control product registration frameworks primarily focus on narrow technical parameters, lacking explicit statutory imperatives to balance ecological preservation, socioeconomic vulnerabilities, and good corporate governance.

Proposed Amendment:
a) Amend Part IV (Articles 26 to 39) to mandate that the registration of pest control products integrates social and environmental considerations into decision-making, embeds good governance and transparency, and fosters financial inclusion by supporting small and medium enterprises.
b) Explicitly obligate registered entities to maintain a sustainable value system that conserves the natural environment, benefits employees and local communities, and curbs resource depletion, healthcare risks, social exclusion, and poverty.

Committee Observation/Recommendation:
The proposal was rejected by the Committee because it is a general recommendation which does not recommend any specific amendments to any subclause. However, the Committee took note of the concerns in their general deliberations and proposed amendments to the Bill.

165. **Clean Technologies, Waste Minimization, and Global Sustainability Reporting**
Issue: Statutory provisions governing importation, research, and manufacturing do not adequately incentivize cleaner production technologies, resource efficiency, or internationally standardized sustainability reporting.

Proposed Amendment:

a) Amend Part V (Articles 40 to 46) to require manufacturing, import, and research activities to adopt cleaner production systems and strategic management practices that utilize resources efficiently and minimize industrial waste.
b) Facilitate voluntary private-sector initiatives and mandate alignment with the Global Reporting Initiative (GRI) sustainability reporting framework.

Committee Observation/Recommendation:
The proposal was rejected by the Committee because it is a general recommendation which does not recommend any specific amendments to any subclause. However, the Committee took note of the concerns in their general deliberations and proposed amendments to the Bill.

166. **Comprehensive Environmental Mitigation, Climate Adaptation and Impact Assessments**

Issue: The miscellaneous provisions lack explicit requirements for regulated entities to formulate climate adaptation plans, adopt circular economy models, or implement structured Environmental Mitigation and Management Plans to curb long-term environmental liabilities.

Proposed Amendment:
a) Amend Part IX (Articles 63 to 70) to adopt International Finance Corporation (IFC) sustainability performance standards and ESG criteria to unlock international green financing.
b) Mandate that agrochemical enterprises develop an elaborate Environmental Mitigation, Preventive, Corrective, and Management Plan to review environmental risks and climate change impacts across key sectors.
c) Require full adherence to circular economy practices, renewable energy adoption, biodiversity protection, and comprehensive statutory impact assessments, including Strategic Environmental Assessments (SEA), Environmental Impact Assessments (EIA), and Poverty Impact Assessments.

Committee Observation/Recommendation:
The proposal was rejected by the Committee because it is a general recommendation which does not recommend any specific amendments to any subclause. However, the Committee took note of the concerns in their general deliberations and proposed amendments to the Bill.

4.11 NATURE KENYA (THE EAST AFRICA NATURAL HISTORY SOCIETY)

167. In a memorandum received on 13th July 2026, Dr. Paul Matiku, Exective Director of Nature Kenya, presented targeted statutory proposals aimed at mitigating off-target pesticide impacts, preventing intentional wildlife poisoning and safeguarding vulnerable ecosystems.

168. **Institutional Representation of Environmental and Health Stakeholders on the Board**

Issue: The proposed composition of the Board lacks explicit, dedicated representation from civil society organizations focused on pesticide-induced environmental and public health hazards.

Proposed Amendment: Amend Clause 9(2)(g) to increase the members appointed by the Cabinet Secretary from three to four by inserting paragraph (iv): one person nominated by a registered national organization representing persons concerned with environmental and human health hazards arising from the use of pesticides.

Committee Observation/Recommendation:
The proposal was adopted with amendments by the Committee in reviewing the composition of the Board.

169. **Statutory Safeguards for Crop Pollinators in Agricultural Practices**
Issue: Clause 23(a) lacks explicit statutory obligations for the Authority to promote agricultural practices specifically safeguarding non-target crop pollinators, which are highly susceptible to chemical exposure.

Proposed Amendment: Amend Clause 23(a) to read: "promote good agricultural practices in the control of pests including integrated pest management, biological control, and practices to protect pollinators of crops that are particularly vulnerable to pesticide exposure".

Committee Observation/Recommendation:
The proposal was rejected by the Committee because the provision in the Bill is sufficient

170. **Criminalization and Penalties for Intentional Poisoning of Protected Wildlife**
Issue: The Bill does not contain express offences or dedicated punitive sanctions to deter the deliberate abuse of pest control products for poisoning protected wild animals, particularly through carcass baiting.

Proposed Amendment:
a) Insert a new subclause 34(3) providing that a person commits an offence if that person intentionally uses a pest control product to poison any wild animal listed as a protected species.
b) Insert a new subclause 41(7) prescribing that any person who intentionally uses a pest control product to poison wildlife commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

Committee Observation/Recommendation:
The proposal was adopted with amendments by the Committee by reviewing the existing penalties to ensure that they are commensurate with the offences.

171. **Statutory Violations and Public Incident Reporting Mechanism**
Issue: The general enforcement framework under Clause 67 lacks a clear mechanism allowing members of the public to formally notify the Authority of illegal pesticide use, such as deliberate wildlife poisoning.

Proposed Amendment:
a) Amend Clause 67(2) by inserting paragraph (e) to specifically list "poisoning any wild animal listed as a protected species" as an actionable contravention.
b) Insert a new subclause 67(4) stipulating that concerned members of the public may report pesticide misuse incidents to the Authority in writing.

Committee Observation/Recommendation:
The proposal was adopted with amendments to allow a concerned member of the public to report pesticide misuse to the authority.

5.0 COMMITTEE OBSERVATIONS

172. The Committee, after a rigorous and comprehensive examination of the Bill and the submissions by stakeholders, observed as follows:

1) The Pest Control Products Act (Cap. 346) was enacted in 1982, predates the Constitution of Kenya, 2010 and the State Corporations Act, and no longer provides for body corporate status or addresses highly hazardous pesticides, biological pest control, digital licensing, climate change and integrated pest management. The existing framework is therefore obsolete and justifies a modern, science-based statute.

2) The majority of the stakeholders, including the Pest Control Products Board, the Council of Governors, the Kenya Plant Health Inspectorate Service, the Ministry of Health, aak-GROW/CropLife Kenya and Nature Kenya, supported the enactment of the Bill subject to specific amendments.

3) The National Environment Management Authority raised extensive concerns that the Bill duplicates functions already provided under the Environmental Management and Coordination Act (Cap. 387), particularly sections 94, 97, 99 and 100, and the Sustainable Waste Management Act, 2020. The Committee acknowledged these overlaps and proposed consequential amendments to the relevant sections of that Act to cure them.

4) Several proposals followed the enactment of the Food and Feed Safety Control Coordination Act, No. 21 of 2026, which commenced on 10th July 2026 and recognises the Board as a competent authority. The Committee adopted the related amendments on the role of the Controller and the multi-annual control plan as consequential to that Act.

5) The Kenya Bureau of Standards sought to anchor standards to the Standards Act (Cap. 496) and to secure a seat on the Board of Directors. The Committee adopted the anchoring of standards to the Standards Act. It resolved the representation concern by including the Bureau, the Kenya Plant Health Inspectorate Service, the National Environment Management Authority and other relevant bodies in the Technical Advisory Committee under Clause 27(8) rather than on the Board.

6) The Council of Governors sought to assign licensing, certification and waste disposal functions to county governments under the Fourth Schedule to the Constitution. The Committee rejected most of these proposals and held that product registration, certification, the enforcement of standards and the disposal of hazardous materials are national functions of the Authority. It adopted provisions for cooperation between the two levels of government and for the consultation of counties in research and local innovation.

7) The Kenya Agricultural and Livestock Research Organization sought a stronger role for research institutions. The Committee made pre-registration and post-registration studies mandatory and required the Authority to evaluate products in collaboration with research institutions.

8) Several technical proposals, including hazard-based cut-off criteria for highly hazardous pesticides, a fast-track pathway for biological inputs, restrictions on the import of pesticides banned abroad, open-access registries and extended producer responsibility, concerned matters of detail. The Committee found that these belong in subsidiary regulations rather than the primary legislation.

9) There was need to reviewed the penalties in the Bill to ensure they are commensurate with the offences. The Committee adopted amendments to criminalise the sale of unregistered products, to deter the poisoning of protected wildlife and to allow members of the public to report pesticide misuse to the Authority.

10) The Bill operationalizes constitutional rights, including the right to a clean and healthy environment, consumer protection and the right to food. It also aligns Kenya's regulatory regime with the Rotterdam, Stockholm and Basel Conventions and with the country's obligations under the World Trade Organization.

6.0 COMMITTEE RECOMMENDATION

173. The Committee, having subjected the Pest Control Products Bill (National Assembly Bill No. 48 of 2025) to exhaustive statutory review, comprehensive public participation and rigorous stakeholder scrutiny, acknowledges its strategic importance in modernizing the regulation of pest control products and in safeguarding human and animal health, the environment and the agricultural economy. Consequently, the Committee recommends that the House **approves the Bill**, subject to the incorporation of the amendments set out in the Schedule of Proposed Amendments under Chapter 7.0 of this Report.

7.0 SCHEDULE OF PROPOSED AMENDMENTS

174. The Committee proposed the following amendments to be considered by the House in the Committee Stage:

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

(a) by deleting the definition of the word "County Executive Committee Member".
(b) by inserting the following new definition in its proper alphabetical sequence—

"Controller" means the Food Safety Controller appointed under the Food and Feed Safety Control Co-ordination Act;

"multi-annual control plan" has the meaning assigned to it under section 2 of the Food and Feed Safety Control Co-ordination Act;

"registration" means the process whereby the Authority approves the sale and use of a pest control product following the evaluation of scientific data aimed at demonstrating that the product is effective for its intended purposes and does not pose an unacceptable risk to human or animal health or the environment under the conditions of use under this Act;

"standards" means a Kenya standards declared under the Standards Act, Cap 496;

CLAUSE 4

THAT, Clause 4 of the Bill be amended—

(a) in paragraph (a) by words "animal health" immediately after the words "human health"; and
(b) by inserting the following new paragraph immediately after paragraph (d)—

"(e)promote cooperation between the national, county governments and other relevant agencies in the regulation, monitoring and safe use of pest control product.

CLAUSE 6

THAT, the Bill be amended by inserting the following new subclause immediately after subclause (2)—

"(3)The Authority shall be the designated national authority on matters pest control products."

CLAUSE 8

THAT, Clause 8 of the Bill be amended—

(a) in paragraph (b) by deleting the word "register" and substituting therefor the word "registration";
(b) in paragraph (c)—
  (i) by inserting the words "animal health" in immediately after the words "human health" in the opening statement;
  (ii) by deleting subparagraph (i) and substituting therefor the following new subparagraph—
    "(i)evaluating pest control products before registration in collaboration with relevant research institutions;" and
  (iii) by inserting the words "and feed" after "food" in subparagraph (iii).
(c) by inserting the following new paragraphs immediately after paragraph (h)—

"(ha)to conduct audits of the traceability mechanisms established by a person who deals in pest control products;

(hb)to implement the multi-annual control plan in the performance of its functions."

CLAUSE 10

THAT, Clause 10 of the Bill be amended in paragraph (b) by inserting the word "by the Authority" immediately after the word "issued".

CLAUSE 11

THAT, Clause 11 of the Bill be amended—

(a) in paragraph (b) by inserting the words "or public administration" immediately after the word "field"; and

(b) by inserting the following new paragraphs immediately after paragraph (b)—

"(ba)has at least five years relevant experience in a senior management position;

(bc)has at least ten years' experience in a relevant scientific field; and"

CLAUSE 19

THAT, Clause 19 of the Bill be amended in subclause (1) by deleting the words "County Executive Committee Member and substituting therefor the words "county government".

CLAUSE 20

THAT, Clause 20 of the Bill be amended in subclause (5)—

(a) by deleting the words "fifty thousand shillings and not exceeding two hundred and fifty thousand" and substituting therefor the words "five hundred"; and

(b) by deleting the words "six months" and substituting therefor the words "two years".

CLAUSE 21

THAT, Clause 21 of the Bill be amended—

(a) in paragraph (b) by deleting the word "among";

(b) in paragraph (e) by deleting the word "complying"; and

(c) by inserting the following new paragraphs immediately after paragraph (f)—

"(g)at all reasonable times and upon producing certificates of appointment, enter premises for evaluation and collection of samples of suspected unregistered or counterfeit products and report to the Authority for further action;

(h)stop and inspect any consignment containing suspected unregistered or counterfeit pest control products within the county and report to the Authority for further action;"

CLAUSE 23

THAT, Clause 23 of the Bill be amended—

(a) in paragraph (b) by inserting the words "safe and" immediately before the word "responsible";

(b) by deleting paragraph (f); and

(c) by deleting paragraph (g) and substituting therefor the following new paragraph—

"(g)issue trade licences upon inspection of pest control products premises."

CLAUSE 24

THAT, Clause 24 of the Bill be amended—

(a) in paragraph (a) by deleting the word "authority" and substituting therefor the word "county government;

(b) by deleting paragraph (e); and

(c) by deleting paragraph (f).

CLAUSE 26

THAT, Clause 26 of the Bill be amended in subclause (2) by inserting the words "in writing" immediately after the word "delegate".

CLAUSE 27

THAT, Clause 27 of the Bill be amended—

(a) in subclause (4) by deleting the word "may" and substituting therefor the word "shall";
(b) in subclause (5) by inserting the words "animal health" immediately after the word "human "health" in subparagraph (i);
(c) in subclause (6) by deleting the word "refuse" and substituting therefor the word "reject"; and
(d) by inserting the following new subclause immediately after subclause (8)—

"(8A)The Technical Advisory Committee appointed in subclause (8) shall comprise—

(a) the Kenya Plant Health Inspectorate Service;
(b) the Kenya Bureau of Standards;
(c) the National Environmental Management Authority; and
(d) Any other relevant agencies."

CLAUSE 28

THAT, Clause 28 of the Bill be amended by deleting subclause (3).

CLAUSE 34

THAT, Clause 34 of the Bill be amended in subclause (2) by deleting the words "two hundred and fifty thousand" and substituting therefor the words "two million".

CLAUSE 37

THAT, Clause 37 of the Bill be amended—

(a) in subclause (1)—
  (i) by inserting the words "animal health" immediately after the word "human" in paragraph (a);
  (ii) in paragraph (b) inserting the word "animals" immediately after the word "human" appearing in the opening statement; and
(b) in subclause (2) by inserting the word "animals" immediately after the word "humans" in paragrapl (a).

CLAUSE 38

THAT, Clause 38 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

"(1) A person commits an offence if that person adulterates, counterfeits, or offers for sale an unregistered pest control product, label or package for a pest control product."

CLAUSE 39

THAT, Clause 39 of the Bill be amended in subclause (1) by deleting the phrase "26(8)" and substituting therefor the phrase "27(8)".

CLAUSE 42

THAT, Clause 42 of the Bill be amended by inserting the following new subclause immediately after subclause (2)—

"(2A)The Authority may consult county governments that may be affected by the research before issuing authorization."

CLAUSE 69

THAT, Clause 69 of the Bill be amended in subclause (2) by deleting the opening statement and substituting therefor the following new opening statement—

"(2)Without prejudice to the generality of subsection (1), the Regulations may provide for the following—"

NEW CLAUSE 8A

THAT, the Bill be amended by inserting the following new Clause 8A immediately after Clause 8—

8A.(1)Where the Board determines that there is an overlap in its functions and the functions of any public institution in relation to food safety or feed safety, the Board may request the Controller to advise.

NEW CLAUSE 74

THAT, the Bill is amended by inserting the following new clause 74 immediately after Clause 73—

74. (1)Section 9 of the Environmental Management and Coordination Act (herein referred to as "the principal Act" is amended— Consequential Amendments to S.99 of Cap 387

(a) in subsection (1) by deleting the word pesticide;
(b) in subsection (2) by deleting the word pesticide;
(c) in subsection (2) by deleting the word pesticide;

(2)Section 99 of the principal Act is amended— Consequential Amendments to S.99 of Cap 387

(a) In subsection (1) by deleting the word "pesticide";
(b) In subsection (2) by deleting the word "pesticide";
(c) In subsection (3) by deleting the word "pesticide" wherever it appears; and
(d) In subsection (4) by deleting the word "pesticide";

(3) Section 100 of the principal Act is amended by deleting the "pesticide". Consequential Amendme Cap. S.100 of Cap 387

SIGNED: ..... **DATE:** 14/10/2026

HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 14 OCT 2026 DAY. WEDNESDAY
TABLED BY: MEMBER, COMMITTEE AGRICULTURE & LIVESTOCK
CLERK-AT THE-TABLE: MIRIAM MOSO

Annexure 1: Report Adoption Schedule

THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Departmental Committee on Agriculture and Livestock today, Tuesday, 13th October 2026 do hereby affix our signatures to this **Report *on the Pest Control Products Bill (NA Bill No. 48 of 2025)*** to affirm our approval and confirm its accuracy, validity and authenticity:

S/NO.	NAME	SIGNATURE
1.	HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, CBS, MP - **CHAIRPERSON**	
2.	HON. BRIGHTON LEONARD YEGON, CBS, MP- **VICE-CHAIRPERSON**	
3.	HON. SABINA WANJIRU CHEGE, CBS, MP	
4.	HON. FERDINAND KEVIN WANYONYI, MP	
5.	HON. GEOFFREY MAKOKHA ODANGA, MP	
6.	HON. JUSTICE KIPSANG KEMEI, MP	
7.	HON. JARED ODOYO OKELO, MP	
8.	HON. LAWRENCE MPURU ABURI, MP	
9.	HON. DAVID KIPLAGAT, MP	
10.	HON. GABRIEL GATHUKA KAGOMBE, MP	
11.	HON. MONICAH MUTHONI MARUBU, MP	
12.	HON. PATRICK KIBAGENDI OSERO, MP	
13.	HON. YUSSUF MOHAMED FARAH, MP	
14.	HON. JOHN OKWISIA MAKALI, MP	
15.	HON. RUTH ADHIAMBO BUSIA ODINGA, MP	

Annexure 2: Minutes

NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 49TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD IN COMMITTEE ROOM 11, 2ND FLOOR, BUNGE TOWER ON TUESDAY, 13TH OCTOBER 2026 AT 10.00 A.M.

PRESENT

1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP - **Chairperson**
2. Hon. Brighton Leonard Yegon, CBS, MP - **Vice-Chairperson**
3. Hon. Sabina Wanjiru Chege, CBS, MP
4. Hon. Justice Kipsang Kemei, MP
5. Hon. Patrick Kibagendi Osero, MP
6. Hon. Yussuf Mohamed Farah, MP
7. Hon. Monicah Muthoni Marubu, MP
8. Hon. Ruth Adhiambo Busia Odinga, MP
9. Hon. John Okwisa Makali, MP

APOLOGIES

1. Hon. Ferdinand Kevin Wanyonyi, MP
2. Hon. Geoffrey Makokha Odanga, MP
3. Hon. Jared Odoyo Okelo, MP
4. Hon. Lawrence Mpuru Aburi, MP
5. Hon. David Kiplagat, MP
6. Hon. Gabriel Gathuka Kagombe, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

1.	Mr. Dennis Ogechi	Clerk Assistant I/Head of the Secretariat
2.	Mr. Victor K. Kilimo	Clerk Assistant III
3.	Ms. Evelyn Orina	Clerk Assistant III
4.	Mr. Shadrack Musyoki	Senior Research Officer
5.	Mr. Gerald Kadede	Legal Counsel II
6.	Mr. Calvin Karungo	Media Relations Officer
7.	Ms. Jacinta Maru	Assistant Serjeant-at-Arms II

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Communication from the Chair
4. Confirmation of Minutes
5. Consideration and Adoption of:

a) **Consideration and adoption of the Report on the Pest Control Products Bill (NA Bill No. 48 of 2025).**
b) **Consideration and adoption of the Report on Proposed Nuts and Oil Crops Bill 2025.**
c) **Consideration and adoption of the Report on the Participation in the International Wheat Congress held in Bologna, Italy from 25th to 29th May, 2026.**

6. Adjournment/Date of the Next Sitting

MIN. NO. NA/A&L/2026/242: PRELIMINARIES

The meeting commenced at 10.29 a.m. with the Chairperson calling the meeting to order and praying.

The agenda of the meeting was adopted, having been proposed by Hon. Justice Kipsang Kemei, MP and seconded by Hon. Yussuf Mohamed Farah, MP.

MIN. NO. NA/A&L/2026/243: CONFIRMATION OF MINUTES

Confirmation of the minutes was deferred.

MIN. NO. NA/A&L/2026/244: CONSIDERATION AND ADOPTION OF THE REPORT ON THE PEST CONTROL PRODUCTS BILL (NA BILL NO. 48 OF 2025)

The Committee adopted the report on the Pest Control Products Bill (National Assembly Bill No. 48 of 2025) having been proposed by the Hon. Ruth Adhiambo Busia Odinga, MP and seconded by the Hon. Yussuf Mohamed Farah, MP.

The report was adopted with the following observations and recommendation:

Observations

1) The Pest Control Products Act (Cap. 346) was enacted in 1982, predates the Constitution of Kenya, 2010 and the State Corporations Act, and no longer provides for body corporate status or addresses highly hazardous pesticides, biological pest control, digital licensing, climate change and integrated pest management. The existing framework is therefore obsolete and justifies a modern, science-based statute.
2) The majority of the stakeholders, including the Pest Control Products Board, the Council of Governors, the Kenya Plant Health Inspectorate Service, the Ministry of Health, aak-GROW/CropLife Kenya and Nature Kenya, supported the enactment of the Bill subject to specific amendments.
3) The National Environment Management Authority raised extensive concerns that the Bill duplicates functions already provided under the Environmental Management and Coordination Act (Cap. 387), particularly sections 94, 97, 99 and 100, and the Sustainable Waste Management Act, 2020. The Committee acknowledged these overlaps and proposed consequential amendments to the relevant sections of that Act to cure them.
4) Several proposals followed the enactment of the Food and Feed Safety Control Coordination Act, No. 21 of 2026, which commenced on 10th July 2026 and recognises the Board as a competent authority. The Committee adopted the related amendments on the role of the Controller and the multi-annual control plan as consequential to that Act.

5) The Kenya Bureau of Standards sought to anchor standards to the Standards Act (Cap. 496) and to secure a seat on the Board of Directors. The Committee adopted the anchoring of standards to the Standards Act. It resolved the representation concern by including the Bureau, the Kenya Plant Health Inspectorate Service, the National Environment Management Authority and other relevant bodies in the Technical Advisory Committee under Clause 27(8) rather than on the Board.
6) The Council of Governors sought to assign licensing, certification and waste disposal functions to county governments under the Fourth Schedule to the Constitution. The Committee rejected most of these proposals and held that product registration, certification, the enforcement of standards and the disposal of hazardous materials are national functions of the Authority. It adopted provisions for cooperation between the two levels of government and for the consultation of counties in research and local innovation.
7) The Kenya Agricultural and Livestock Research Organization sought a stronger role for research institutions. The Committee made pre-registration and post-registration studies mandatory and required the Authority to evaluate products in collaboration with research institutions.
8) Several technical proposals, including hazard-based cut-off criteria for highly hazardous pesticides, a fast-track pathway for biological inputs, restrictions on the import of pesticides banned abroad, open-access registries and extended producer responsibility, concerned matters of detail. The Committee found that these belong in subsidiary regulations rather than the primary legislation.
9) The Committee reviewed the penalties in the Bill to ensure they are commensurate with the offences. It adopted amendments to criminalise the sale of unregistered products, to deter the poisoning of protected wildlife and to allow members of the public to report pesticide misuse to the Authority.
10) The Bill operationalizes constitutional rights, including the right to a clean and healthy environment, consumer protection and the right to food. It also aligns Kenya's regulatory regime with the Rotterdam, Stockholm and Basel Conventions and with the country's obligations under the World Trade Organization.

Recommendation

The Committee recommended that the House **approves the Bill**, subject to the incorporation of the amendments set out in the Schedule of Proposed Amendments under Chapter 7.0 of the Report.

MIN. NO. NA/A&L/2026/245: CONSIDERATION AND ADOPTION OF THE REPORT ON PROPOSED NUTS AND OIL CROPS BILL 2025

The Committee adopted the report on the proposed Nuts and Oil Crops Bill, 2025 by the Hon. Owen Yaa Baya, M.P. having been proposed by the Hon. Yussuf Mohamed Farah, MP and seconded by the Hon. Ruth Adhiambo Busia Odinga, MP.

The report was adopted with the following observations and recommendations:

Observations

1) The nuts and oil crops subsector is a critical driver of Kenya's agricultural economy, contributing approximately KES 28.9 billion in 2025 across 13 scheduled crops. However, domestic edible oil production remains severely underdeveloped, forcing the country to import over 95% of its edible oil requirements at an annual cost exceeding KES 100 billion (KES 128.7 billion in 2025).
2) The Committee observed that a dedicated Nuts and Oil Crops Development Board can be reconciled with the public sector reform objectives under Kenya Vision 2030, the Government's State Corporations Rationalization Programme. Parliament has already

reinstated standalone boards for tea, coffee and sugar, which demonstrates that targeted regulation of a strategic crop coexists with the rationalization agenda. The Committee observed that structuring the Research Institute as the technical arm of the Board, as the Ministry proposed, removes the risk of duplicated mandates and administrative overhead.

3) The Committee observed that the existing framework under the Crops Act (Cap. 318), the Agriculture and Food Authority Act (Cap. 317), and the Crops (Nuts and Oil Crops) Regulations, 2020 (Legal Notice No. 164 of 2020) has not delivered development of the subsector. The Nuts and Oil Crops Directorate (NOCD) operates within an omnibus authority whose priorities have favoured tea, coffee and sugar, leaving oil and nut value chains with inadequate financing, weak extension support and stagnant research. A dedicated statutory framework therefore responds to a demonstrated market failure rather than duplicating an effective regulator. The reinstatement of standalone boards for tea, coffee and sugar confirms that specialized regulation does not fragment agricultural governance.
4) The Committee observed that the devolution concerns under the Fourth Schedule to the Constitution are addressable through the amendments proposed by the Ministry and the Kenya Law Reform Commission. Clause 20 already assigns localized crop development, pest control, local market infrastructure and nursery registration to county governments. The proposed new Clause 35(2) empowers county governments to appoint county crop inspectors, which aligns the Bill with devolved agricultural functions. Confining the national Board to national licensing and levy administration preserves county revenue rights under Article 209(4) and the constitutional separation of the two levels of government.
5) The Committee observed that the concerns regarding Clauses 37, 26 and 31 are curable through targeted drafting rather than through rejection of the Bill. The search and seizure powers under Clause 37 can be amended to require a court-sanctioned warrant, which safeguards the rights to privacy and property under Articles 31 and 40 of the Constitution. The appeals mechanism can establish an independent, low-cost administrative tribunal before recourse to the High Court, which secures access to justice for smallholder farmers under Article 47.
6) The Committee observed that the financing concern is curable by incorporating a statutory commodity cess modelled on Malaysia's Malaysian Palm Oil Board (MPOB) Act, 1998 and Ghana's Tree Crops Development Authority (TCDA) Act, 2019. A dedicated cess would make the Board self-sustaining, ring-fence subsector revenue for research and extension, and reduce reliance on the exchequer, which aligns the Bill with Cabinet Press Release Issue No. 1 of 2025. The subsector already generates an estimated KES 13 billion in import levies and related fees, which can finance the new institutions without additional exchequer allocations.

Recommendations

1. The legislative proposal should be progressed to publication, subject to the incorporation of the clause-by-clause amendments proposed by the Office of the Attorney General, the Kenya Law Reform Commission and the Ministry of Agriculture and Livestock Development.

2. The Ministry of Agriculture and Livestock Development should work with the sponsor during the publication process to incorporate a self-sustaining commodity cess, structure the Nuts and Oil Crops Research Institute as the technical arm of the Board, align both bodies with the State Corporations Act and Mwongozo, and safeguard devolved county functions, so as to drive subsector development, local value addition and edible oil import substitution.

MIN. NO. NA/A&L/2026/246: **CONSIDERATION AND ADOPTION OF THE REPORT ON PARTICIPATION IN THE INTERNATIONAL WHEAT CONGRESS HELD IN BOLOGNA, ITALY FROM 25TH TO 29TH MAY, 2026**

The Committee adopted the report on the Participation in the International Wheat Congress held in Bologna, Italy from 25th to 29th May 2026 having been proposed by the Hon. Patrick Kibagendi Osero, MP and seconded by the Hon. Ruth Adhiambo Busia Odinga, MP.

The report was adopted with the following observations and recommendations:

Observations

1) Soil health and conservation agriculture scale-up: Long-term data presented by the French Syppre network and Morocco's large-scale initiative (targeting 1 million hectares) demonstrated that combining minimal tillage, continuous soil cover and diversified rotations builds baseline climate resilience in semi-arid environments. This approach stabilizes yields in transition zones without requiring expensive chemical inputs.
2) Digital agronomy and early-stage crop yield forecasting: High-throughput phenotyping (HTP), unmanned aerial vehicle (UAV) remote sensing and early vegetative "spectral fingerprinting" are transitioning from pure research into national regulatory infrastructures. These tools enable accurate yield forecasting and rapid processing for new variety approvals.
3) Precision nutrient management and fertilizer efficiency: Congress presentations emphasized that maximizing Nitrogen Use Efficiency (NUE) through precise, phenology aligned application schedules protects soil microbiomes and reduces input waste while maintaining high grain protein content.
4) Climate-guided crop ideotypes and varietal development: Global crop modeling simulations demonstrated that adjusting to climate warming requires breeding specific "ideotypes", varieties with targeted traits such as modified flowering dates to avoid heat stress or deeper root architectures for moisture capture.
5) Carbon footprint and value chain sustainability: Structural analysis of the wheat supply chain highlighted that tracking and minimizing carbon and ecological footprints from farm to mill is becoming an international market standard. Verifiable remote-sensing frameworks are now used globally to track compliance.
6) Fundamental paradigm shift in agricultural biotechnology: Single-reference genomes are no longer enough to protect crops, forcing global breeding networks to switch to pangenomics to trace complex pest and disease resistance. Scientists agree that breeding traits from wild crop relatives into commercial seeds is now essential to give crops long term, lasting protection against fast-evolving fungal diseases.
7) Fungal pathogen dynamics are mutating faster due to altered ambient humidity profiles: Climate-driven shifts in ambient humidity are accelerating fungal pathogen mutations and somatic hybridization, rapidly breaking down single-gene crop resistance. These volatile microclimates enable aggressive fungal lineages to make swift geographical incursions and bypass established biosecurity barriers, requiring a shift toward multi-race genetic stacking
8) A Kenyan scientist, Ms. Bernice Ngina Waweru, was part of a team that was conferred the 2026 Jeanie Borlaug Laube Women in Triticum (WIT) Early Career Award: This is evidence that domestic scientific talent is performing at global standards of excellence in crop biosecurity and translational research.

Recommendations

1) The Ministry of Agriculture and Livestock Development should formulate, publish and lay before the National Assembly a National Conservation Agriculture Policy and Implementation Framework.
2) The Kenya Plant Health Inspectorate Service (KEPHIS) should develop, publish and present to the National Assembly a comprehensive Technical Roadmap and Implementation Blueprint for incorporating high-throughput digital phenotyping (HTP) into the National Performance Trials (NPT) framework with a view to reducing the time required to evaluate and release climate-resilient wheat varieties to Kenyan farmers.
3) The Ministry of Agriculture and Livestock Development, through the National Fertilizer Subsidy Programme, should issue a policy shift away from the procurement and distribution of uniform, generic fertilizers toward site-specific, soil-blended crop nutrients customized by regional agricultural zones. The Agricultural Development Corporation (ADC), in coordination with the State Department for Agriculture, should establish a commercial pilot framework for "Green Wheat Agro-Industrial Clusters" on a combined minimum acreage of 10,000 acres of public land across its holdings. These clusters can serve as national demonstration farms for low-carbon, high-efficiency wheat production, setting standard benchmarks for the domestic milling and baking industries.
4) The Ministry of Agriculture and Livestock Development should reform the National Agricultural Research Systems (NARS) framework, legally anchoring public seed development pipelines around localized Target Environment Typologies (TETs) to address climate volatility in primary wheat-producing basins. The selection protocols should be optimized specifically for heat-stress survival during the critical anthesis (flowering) and grain-filling phases, ensuring terminal droughts do not cause total crop failure.
5) The Kenya Plant Health Inspectorate Service (KEPHIS), in coordination with the State Department for Agriculture, should establish and operationalize an automated, GIS Mapped Epidemiological Disease Surveillance Framework along designated high-risk agricultural corridors in order to track migratory rust strains in real-time.

MIN. NO. NA/A&L/2026/247: ADJOURNMENT / DATE OF THE NEXT MEETING

The meeting was adjourned at 12.03 p.m. The next meeting would be held on Thursday, 15th October 2026 at 10.00 a.m.

SIGNED: ..... **DATE:** 14/10/2026

HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, CBS, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 47TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD IN THE KAYA ROOM, PRIDE INN HOTEL, MOMBASA COUNTY ON FRIDAY, 9TH OCTOBER 2026 AT 9.00 A.M.

PRESENT

1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP - **Chairperson**
2. Hon. Brighton Leonard Yegon, CBS, MP - **Vice-Chairperson**
3. Hon. Sabina Wanjiru Chege, CBS, MP
4. Hon. Geoffrey Makokha Odanga, MP
5. Hon. Justice Kipsang Kemei, MP
6. Hon. Jared Odoyo Okelo, MP
7. Hon. Lawrence Mpuru Aburi, MP
8. Hon. Gabriel Gathuka Kagombe, MP
9. Hon. Patrick Kibagendi Osero, MP
10. Hon. Yussuf Mohamed Farah, MP

APOLOGIES

1. Hon. Ferdinand Kevin Wanyonyi, MP
2. Hon. David Kiplagat, MP
3. Hon. Monicah Muthoni Marubu, MP
4. Hon. Ruth Adhiambo Busia Odinga, MP
5. Hon. John Okwisa Makali, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

1. Mr. Dennis Ogechi	Clerk Assistant I/Head of the Secretariat
2. Mr. Victor K. Kilimo	Clerk Assistant III
3. Ms. Evelyn Orina	Clerk Assistant III
4. Mr. Gerald Kadede	Legal Counsel II
5. Mr. Gideon Letaya	Legal Counsel-LOM Office
6. Ms. Jacinta Maru	Assistant Serjeant-at-Arms II

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Communication from the Chair
4. Confirmation of Minutes

5. **Clause-by-clause consideration and report writing of the Pest Control Products Bill (National Assembly Bill No. 48 of 2025)**
6. Adjournment/Date of the Next Sitting

MIN. NO. NA/A&L/2026/233: PRELIMINARIES

The meeting commenced at 9.30 a.m. with the Chairperson calling the meeting to order and praying. He then welcomed Members of the Committee to the retreat and laid the ground for its proceedings.
The agenda of the meeting was adopted, having been proposed by Hon. Justice Kipsang Kemei, MP and seconded by Hon. Yussuf Mohamed Farah, MP.

MIN. NO. NA/A&L/2026/234: COMMUNICATION FROM THE CHAIR

1. The Chair informed Members that public participation in respect of the Crops Laws (Amendment) Bill, 2026 would be conducted between 26th and 30th October 2026.

2. The Chair also informed Members that, pursuant to Standing Order 216, which mandates Departmental Committees to consider reports of Commissions and Independent Offices submitted to the House, the Committee had scheduled a retreat to deliberate on two performance audit reports committed to it.

    1. The Performance Audit Report on Efficiency in Utilization of Debt Funds by the Ministry of Agriculture and Livestock Development: Case Study of the Kenya Climate Smart Agriculture Project (KCSAP); and
    2. The Performance Audit Report on the Regulation of Pesticides in Kenya.

Members had been scheduled to undertake the retreat on 16th and 17th October 2026 in Machakos County. However, upon deliberation, Members agreed to hold the meeting with the Auditor-General on Monday, 19th October 2026.

MIN. NO. NA/A&L/2026/235: CONFIRMATION OF MINUTES

Confirmation of the minutes was deferred.

MIN. NO. NA/A&L/2026/236: CLAUSE-BY-CLAUSE CONSIDERATION AND REPORT WRITING OF THE PEST CONTROL PRODUCTS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2025)

The Chairperson invited the Legal Counsel to take the Committee through the Clause-By-Clause consideration of the Pest Control Products Bill (National Assembly Bill No. 48 of 2025). Upon consideration, the Committee resolved as follows:

1. Clause 1: Agreed to
2. Clause 2: Amend by deleting the definition of "County Executive Committee Member" and inserting, in their proper alphabetical sequence, new definitions of "Controller", "multi-annual control plan", "registration" and "standards".
3. Clause 3: Agreed to

4. Clause 4: Amend paragraph (a) by inserting "animal health" after "human health" to read "human health, animal health and the environment", and insert a new paragraph (e) promoting cooperation between the national government, county governments and other relevant agencies in the regulation, monitoring and safe use of pest control products.
5. Clause 5: Agreed to
6. Clause 6: Amend by inserting a new subclause (3) designating the Authority as the national authority on matters pest control products.
7. Clause 7: Agreed to
8. Clause 8: Amend paragraph (b) by replacing "register" with "registration". In paragraph (c), insert "animal health" after "human health" in the opening statement, substitute subparagraph (i) to read "evaluating pest control products before registration in collaboration with relevant research institutions", and insert "and feed" after "food" in subparagraph (iii). Insert new paragraphs (ha) on conducting audits of traceability mechanisms and (hb) on implementing the multi-annual control plan after paragraph (h).
9. Clause 9: Amend subclause (2)(g) to include an umbrella body of the farmers.
10. Clause 10: Amend paragraph (b) by inserting "by the Authority" after "issued".
11. Clause 11: Amend paragraph (b) by inserting "or public administration" after "field", and insert new paragraphs (ba) "has at least five years relevant experience in a senior management position" and (bc) "has at least ten years experience in a relevant scientific field".
12. Clause 12: Agreed to
13. Clause 13: Agreed to
14. Clause 14: Agreed to
15. Clause 15: Agreed to
16. Clause 16: Agreed to
17. Clause 17: Agreed to
18. Clause 18: Agreed to
19. Clause 19: Amend subclause (1) by deleting "County Executive Committee Member" and substituting "county government".
20. Clause 20: Amend subclause (5) by deleting "fifty thousand shillings and not exceeding two hundred and fifty thousand" and substituting "five hundred", and by deleting "six months" and substituting "two years".
21. Clause 21: Amend paragraph (b) by deleting "among". Amend paragraph (e) by deleting "complying". Insert new paragraphs (g) and (h) empowering inspectors, on producing certificates of appointment, to enter premises to evaluate and collect samples of suspected unregistered or counterfeit products, and to stop and inspect suspect consignments within the county, reporting to the Authority for further action in each case.
22. Clause 22: Agreed to
23. Clause 23: Amend paragraph (b) by inserting "safe and" before "responsible". Delete paragraph (f). Delete paragraph (g) and substitute "issue trade licences upon inspection of pest control products premises".
24. Clause 24: Amend paragraph (a) by deleting "authority" and substituting "county government". Delete paragraphs (e) and (f) to align the roles of county inspectors with those of the Authority.
25. Clause 25: Break the sentence in subclause (1) into two for clarity.
26. Clause 26: Amend subclause (2) by inserting "in writing" after "delegate".
27. Clause 27: Amend subclause (4) by replacing "may" with "shall". Amend subclause (5) by inserting "animal health" after "human health" in subparagraph (i). Amend subclause (6) by replacing "refuse" with "reject". Insert a new subclause (8A) providing that the Technical Advisory Committee comprise the Kenya Plant Health Inspectorate Service, the Kenya

Bureau of Standards, the National Environment Management Authority and any other relevant agencies.

28. Clause 28: Amend by deleting subclause (3).
29. Clause 34: Amend subclause (2) by deleting "two hundred and fifty thousand" and substituting "two million".
30. Clause 37: Amend subclause (1)(a) by inserting "animal health" after "human". Amend the opening statement of subclause (1)(b) by inserting "animals" after "human". Amend subclause (2)(a) by inserting "animals" after "humans".
31. Clause 38: Amend by deleting subclause (1) and substituting a new subclause (1) making it an offence to adulterate, counterfeit or offer for sale an unregistered pest control product, label or package.
32. Clause 39: Amend subclause (1) by deleting "26(8)" and substituting "27(8)".
33. Clause 42: Amend by inserting a new subclause (2A) allowing the Authority to consult county governments that may be affected by the research before issuing authorization.
34. Clause 69: Amend subclause (2) by substituting a new opening statement.
35. New Clause 8A: Insert a new Clause 8A immediately after Clause 8, titled "Role of the Controller", providing that where the Board determines an overlap between its functions and those of any public institution in relation to food safety or feed safety, the Board may request the Controller to advise.
36. New Clause 74: Insert a new Clause 74 immediately after Clause 73 providing consequential amendments to the Environmental Management and Co-ordination Act, Cap 387, by deleting the word "pesticide" in sections 9, 99 and 100.
37. 1st and 2nd Schedules: Agreed to

MIN. NO. NA/A&L/2026/237: ADJOURNMENT / DATE OF THE NEXT MEETING

The meeting was adjourned at 12.38 p.m. The next meeting would be held on Friday, 9th October 2026 at 2.00 p.m.

SIGNED: ..... **DATE:** 14/10/2026

HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, CBS, MP
CHAIRPERSON
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 30TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON THURSDAY, 2ND JULY 2026 AT COMMITTEE ROOM 18/19, 3RD FLOOR, BUNGE TOWERS PARLIAMENT BUILDINGS AT 10:00 AM

PRESENT

1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP - **Chairperson**
2. Hon. Brighton Leonard Yegon, CBS, MP - **Vice-Chairperson**
3. Hon. Sabina Wanjiru Chege, CBS, MP
4. Hon. Geoffrey Makokha Odanga, MP
5. Hon. Jared Odoyo Okelo, MP
6. Hon. Justice Kipsang Kemei, MP
7. Hon. Lawrence Mpuru Aburi, MP
8. Hon. David Kiplagat, MP
9. Hon. Monicah Muthoni Marubu, MP
10. Hon. Patrick Kibagendi Osero, MP
11. Hon. John Okwisa Makali, MP
12. Hon. Ruth Adhiambo Busia Odinga, MP

APOLOGIES

1. Hon. Ferdinand Kevin Wanyonyi, MP
2. Hon. Gabriel Gathuka Kagombe, MP
3. Hon. Yussuf Mohamed Farah, MP

COMMITTEE SECRETARIAT

1.	Mr. Denis Ogechi	-	Clerk Assistant I/Head of the Secretariat
2.	Mr. Victor K. Kilimo	-	Clerk Assistant III
3.	Ms. Evelyn Orina	-	Clerk Assistant III
4.	Mr. Gerald Kadede	-	Legal Counsel II
5.	Mr. Shadrack Musyoki	-	Senior Research Officer
6.	Mr. Calvin Karung'o	-	Media Relations Officer III
7.	Ms. Jacinta Maru	-	Assistant Serjeant-at-Arms II
8.	Ms. Gift Gitonga	-	Audio Recording Officer III

IN ATTENDANCE

A. Pest Control Products Board (PCPB)

1.	Mr. Ali Ismael Noor	-	Chairperson
2.	Mr. Fredrick Muchiri	-	Chief Executive Officer
3.	Mr. Keith Wanyonyi	-	Director, Registration Services
4.	Mr. Lawrence Kalawa Ikiba	-	General Manager, Compliance and Enforcement
5.	Ms. Grace Muchemi	-	General Manager, Registration Services

B. Council of Governors (CoG)

1. Mr. Kizito Wangalwa - Director, Committees
2. Mr. Robert Mutemo - Principal Programmes Officer- Agriculture

C. Ministry of Health (MoH)

1. Ms. Milka W. Kustanyan - Principal Public Health Officer
2. Dr. Naomi Mutie - Principal Public Health Officer
3. Ms. Sahara Ali - Principal Assistant Public Health Officer
4. Mr. Lolem Lokole Bosco - Assistant Director, Public Health
5. Mr. Mawila Mugania - Parliamentary Liason Officer

D. National Environment Management Authority (NEMA)

1. Ms. Emma Lisanza - Head of Legal Services
2. Mr. David Ong'are - Director Compliance

E. Kenya Plant Health Inspectorate Service (KEPHIS)

1. Dr. Theophilus H. Mutui - Managing Director
2. Mr. Peter Karanja - Deputy Director
3. Dr. Duncan Muguthi - Ag. Manager, Laboratory Services

F. Kenya Agricultural and Livestock Research Organization (KALRO)

1. Ms. Nancy Njeri - Assistant Director, Crop Research
2. Ms. Ruth Amata - Research Scientist
3. Mr. Robert Musyoki - Director, KALRO Seeds
4. Ms. Brenda Waithaka - Assistant Director Legal Services

G. Kenya Bureau of Standards (KEBS)
Dr. Geoffrey Odiera

H. Agrochemicals Association of Kenya (AAK/GROW)
Mr. Joel Mutai – Chief Executive Officer

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. **Meeting with various Stakeholders regarding the Pest Control Products Bill, (National Assembly Bill No. 48 of 2025)**
5. Adjournment/Date of the Next Sitting

MIN.NO.NA/A&L/2026/142: PRELIMINARIES/ADOPTION OF THE AGENDA

The Chairperson called the meeting to order at ten minutes past ten o'clock and said a word of prayer. This was followed by self-introductions by those present.

The agenda of the meeting was adopted, having been proposed by Hon. Brighton Leonard Yegon, CBS, MP, and seconded by Hon. Patrick Kibagendi Osero, MP.

MIN.NO.NA/A&L/2026/143: CONFIRMATION OF MINUTES

The agenda was deferred to the next sitting.

MIN.NO.NA/A&L/2026/144: STAKEHOLDERS SUBMISSIONS REGARDING THE PEST CONTROL PRODUCTS BILL, (NATIONAL ASSEMBLY BILL NO. 48 OF 2025)

The Chairperson welcomed the stakeholders to make their submissions on the Pest Control Products Bill, 2025 who presented their views on the Bill as follows;

A. Submission by the Pest Control Products Board (PCPB)

The Pest Control Products Board (PCPB) Chief Executive Officer Mr. Fredrick Muchiri briefed the Committee on the Pest Control Products Bill, 2025.

He informed the Committee that the Bill seeks to repeal the existing Pest Control Products Act (Cap. 346), which has been in force since 1982 and no longer adequately responds to the evolving needs of the agricultural sector and developments in pesticide regulation. He stated that the proposed legislation would strengthen the regulation of pest control products, promote the protection of human health and the environment, and align Kenya's regulatory framework with international standards.

He further explained that the current law does not establish PCPB as a body corporate, a situation that has affected its governance, institutional independence and human resource management. He noted that the proposed Bill addresses these gaps by providing a modern legal framework that is responsive to emerging technologies, changing agricultural practices and contemporary environmental concerns.

He proposed a number of amendments to the Bill. He recommended that the qualifications of the Chairperson be broadened to include experience in public administration in addition to scientific expertise. He also proposed the deletion of a duplicative provision under Clause 23, a drafting amendment to Clause 69(2), and the introduction of a new provision empowering the Cabinet Secretary to make regulations governing the use of drones and other emerging technologies in the application of pest control products.

He urged the Committee to support the proposed amendments, noting that they would strengthen the regulatory framework, improve implementation of the law and enhance the safe and effective management of pest control products in the country.

Committee Observations

Following the presentation and deliberations, the Committee made the following observations and recommendations:

1. The Committee observed that Clause 1 of the Bill appeared to focus on the regulation of pest control products rather than pest control generally. Members recommended that consideration be given to broadening the provision to provide a more general framework on pest control. In response, the Chief Executive Officer of the Pest Control Products Board clarified that the mandate of the Bill is to regulate pest control products and not pest control activities, hence the current drafting is appropriate.

2. It further observed that the Board was to be led by a person with qualifications and experience in a relevant scientific field. Members, however, recommended that the qualifications be broadened to include persons with qualifications in related fields whose expertise is relevant to the mandate and functions of the Board.

B. Submission by the Agrochemicals Association of Kenya (AAK-GROW)

The Committee received a submission from the Agrochemicals Association of Kenya (AAK-GROW/CropLife Kenya), represented by its Chief Executive Officer, Mr. Joel Mutai.

In his presentation, Mr. Mutai informed the Committee that AAK-GROW/CropLife Kenya is the umbrella body representing manufacturers, importers, formulators, distributors and users of pest control products in Kenya. He stated that the Association has, for over 66 years, promoted the responsible use of pest control products with the aim of enhancing food safety, protecting the environment and supporting food security.

The Association welcomed the proposed Bill and observed that it would strengthen the regulation of pest control products. However, it recommended that the Bill be enhanced to provide for collaboration between the national and county governments in undertaking awareness programmes on good agricultural practices, the safe use of pest control products, management of empty pesticide containers and the fight against counterfeit products.

The Association further proposed that the Bill should establish a clear and transparent registration process for pest control products, recognise the East African Community guidelines on registration, and provide stronger penalties for the manufacture, importation and sale of illegal, counterfeit or unregistered pest control products.

On the importation and distribution of pest control products, the Association recommended that the Bill should prohibit the importation of unregistered and expired products, strengthen the regulation of manufacturers, distributors, dealers and users, outlaw misleading advertisements, promote local innovations and provide a clear framework for the transportation and disposal of obsolete pest control products.

Further, the Association submitted that the Bill should clearly provide for the certification and licensing of all players in the pest control products value chain, including manufacturers, distributors, transporters, stockists, spray service providers and disposal service providers, in order to enhance accountability and compliance.

Committee Observations

The Committee noted the submissions and assured the stakeholder that the proposals would be taken into consideration during its consideration of the Pest Control Products Bill, 2025.

C. Submission by the Kenya Bureau of Standards (KEBS)

The Committee received a memorandum from the Kenya Bureau of Standards (KEBS) on the Bill, where KEBS expressed its support for the objectives of the Bill but raised concerns that certain provisions could result in duplication of functions and regulatory overlap with the mandate conferred upon KEBS under the Standards Act. KEBS therefore urged the Committee to harmonise the proposed legislation with the existing legal framework to ensure clarity, efficiency, and coordinated regulation.

KEBS submitted that Clause 8(d), which empowers the proposed Authority to prescribe and oversee the enforcement of standards for pest control products, does not define the term "standards" or identify the institution responsible for developing such standards. The stakeholder proposed that the

Bill should adopt the definition of "standards" provided under the Standards Act to expressly recognise Kenya Standards declared by the National Standards Council. It was argued that this would provide regulatory certainty, prevent the development of parallel or conflicting standards, reduce compliance costs for industry players, and ensure that Kenya continues to meet its international obligations on technical barriers to trade.

With regard to Clause 9(2), KEBS observed that the proposed composition of the Board of the Authority excludes representation from KEBS, despite its central role in the development and implementation of national standards. It recommended that the Director of KEBS be included as a member of the Board, noting that such representation would strengthen coordination between the Authority and KEBS, facilitate harmonisation of technical requirements, and ensure that regulatory decisions relating to pest control products are aligned with existing Kenya Standards.

On Clause 28(3), KEBS submitted that the proposed power for the Authority to assign a quality mark to registered pest control products duplicates the statutory mandate of KEBS under the Standards Act, which already provides for the issuance of the Standardization Mark and the Diamond Mark of Quality. The stakeholder therefore proposed the deletion of the provision, arguing that the introduction of a separate quality mark would create confusion among consumers and traders, complicate market surveillance and enforcement, and undermine the established national quality assurance system.

Finally, KEBS urged the Committee to amend the Bill to clearly delineate the respective mandates of the proposed Authority and KEBS. It emphasized that aligning the Bill with the Standards Act would eliminate regulatory duplication, strengthen institutional coordination, and provide a coherent framework for the regulation of pest control products.

D. Submission by the Kenya Plant Health Inspectorate Service (KEPHIS)

The Committee received submissions from the Kenya Plant Health Inspectorate Service (KEPHIS) where it supported the enactment of the Bill, noting that it would modernise the legal and institutional framework for the regulation of pest control products, strengthen pesticide governance, enhance food safety, safeguard plant health, and promote compliance with regional and international trade obligations. KEPHIS, however, proposed several amendments aimed at strengthening scientific regulation, institutional coordination and implementation of the Bill.

KEPHIS proposed that the composition of the Board under Clause 9 be expanded to include institutions with mandates in plant health, laboratory science and food safety, arguing that broader technical representation would enhance scientific decision-making. The stakeholder further recommended that Clause 27 be amended to require scientific risk assessments based on locally generated efficacy data, pesticide residue data and crop use patterns before the registration of pest control products.

On Clause 30, it supported the harmonisation of regulatory requirements within the East African Community but urged that the Bill should preserve Kenya's right to adopt stricter measures where justified by scientific evidence in order to protect national interests and meet export market requirements. The stakeholder also proposed that Clause 32 provide for mandatory periodic reviews and trigger-based reassessment of registered pest control products to ensure continued safety and effectiveness.

They further submitted that Clause 37 should provide clear criteria for banning or restricting pest control products and require publication of risk assessment findings and transition arrangements to enhance transparency. With respect to Clause 38, the stakeholder supported the provisions on counterfeit pest control products but recommended strengthening traceability, digital registration systems

and market surveillance to curb the circulation of illegal pesticides.

They also proposed amendments to Clauses 40 and 41 to strengthen coordination among agencies involved in import and export controls, enhance information sharing and require electronic product tracking systems to improve traceability. In relation to Clause 42, and recommended streamlined approval procedures for accredited public research institutions undertaking research under controlled conditions, while Clause 43 should include incentives to promote local formulation of pesticides, development of bio-pesticides and technologies that reduce pesticide residues.

Additionally, KEPHIS observed that the inspection powers under Clauses 21 and 24 could result in overlapping mandates between the national and county governments and therefore proposed clear delineation of responsibilities and joint inspection protocols.

Committee Observations

1. That the proposed composition of the Board should strike a balance between policy oversight and technical expertise. Members noted that institutions with specialized mandates, including KEPHIS, the National Environment Management Authority (NEMA), and other relevant technical agencies, play a critical role in the regulation of pest control products and should be appropriately represented.

2. That while the Bill seeks to align Kenya's regulatory framework with the East African Community (EAC) framework, it should preserve Kenya's sovereign right to adopt stricter regulatory measures where justified by scientific evidence and national interest.

3. That there was need for greater clarity on the implementation of Clause 32, particularly regarding the timelines and frequency for the review and re-evaluation of registered pest control products. Members were of the view that the Bill should provide a clear legal framework for periodic reviews.

4. Finally, that the inspection and enforcement functions assigned to national and county inspectors should be clearly defined to avoid duplication of mandates, conflicts in enforcement, and uncertainty among regulated entities.

E. Submission by the Council of Governors (CoG)

While Submitting before the Committee, the Council noted that sovereign power is constitutionally distributed between the National Government and the County Governments under Article 6(2) of the Constitution of Kenya, 2010. It further noted that Article 186 and the Fourth Schedule assign distinct devolved functions to County Governments, specifically:
Agriculture (including crop/animal husbandry, plant/animal disease control, and veterinary services);County health services (including public health care and solid waste disposal);Trade development and regulation; and Forestry.

While welcoming the introduction of a modern, science-based regulatory framework under the Pest Control Products Bill, 2025, the Council resolved to recommend extensive amendments to rectify clauses that infringe upon the mandate of devolved units. The overarching objective of these interventions is to eliminate functional overlaps and guarantee clear division of responsibilities.

The agreed framework for the division of licensing and certification regimes was adopted as follows;

The Council considered and proposed the following specific legislative adjustments to the Bill:
Clause 4 (Purpose of the Act)that a new sub-clause 4(e) be introduced to explicitly mandate the promotion of cooperation between national and county governments in the regulation and safe use of pest control products.

Clause 8 (Functions of the Authority)that the Authority's functions concerning international treaties and periodic reviews of registered products must be conducted *in collaboration with county governments*. Furthermore, the Authority's role in the disposal of obsolete products must be confined to *capacity building of county governments*.
Clause 10 & 21 (Powers of the Board & Inspectors)that Board interventions regarding suspension/cancellation of certificates be strictly limited to those issued *by the Authority*. Inspectors of the Authority shall focus on providing technical assistance to counties and conducting inspections *on behalf of the Authority*.
Clauses 23 & 24 (Role of County Governments & County Inspectors)that county governments retain the explicit mandate to regulate agro-dealers and premises via local certificates and trade licences, enforce standards locally, and oversee the physical disposal of empty containers and obsolete products.
Clause 25 (Seizure and Forfeiture)that powers of seizure apply equitably to all lawfully appointed inspectors, ensuring no discrimination between national and county-appointed personnel.
Clause 27 (Registration Adjudication) that the technical advisory committee appointed by the Board be structured as an *intergovernmental technical advisory committee* to secure representation of county interests.
Clauses 42, 43, 45 & 69 (Research, Regulations, and Consultations) that the Authority and the Cabinet Secretary must *consult county governments* prior to authorizing research, promoting local innovation, or making regulations affecting devolved mandates (such as solid waste disposal).
Clauses 47, 48, 51 & 52 (Certification Procedures & Renewals) that applications for local operations be processed through the respective *County Executive Committee Member (CECM)*, and that the power to suspend or revoke county-level certificates be strictly vested in the respective CECM.

The Bill be amended to formally secure the role of County Governments in licensing, inspection, enforcement, and intergovernmental coordination.

F. Submission by the Ministry of Health (MOH)
In addressing the institutional recognition of the health sector, the Ministry acknowledged that the Bill appropriately designates the Principal Secretary responsible for Health to serve as a member of the Board of the Pest Control Products Authority to ensure public health considerations are fully integrated, the Ministry to sustain this provision and further recommended that the Bill explicitly acknowledge the implementation roles of the County Executive Committee Member (CECM) for Health and County Public Health Officers (PHOs) in localized monitoring, disposal, and awareness creation. Furthermore, under Part 11 of the Bill, the Ministry agreed that the Authority's jurisdiction over pesticide residues should be restricted to its core mandate to avoid duplication of functions with the Ministry of Health and County Health Departments.

Regarding the strengthening of public health protections, the Ministry noted that the Bill must expressly provide for mandatory collaboration between the Authority and the Ministry of Health. This joint effort will focus on the active surveillance of pesticide poisoning and adverse health effects, the monitoring of occupational and community exposure, and the investigation of food contamination incidents involving pest control products. To support this, the Ministry agreed that the Bill should legally require the Authority to establish robust information-sharing mechanisms with the Ministry of Health to transmit surveillance data, laboratory findings, and environmental exposure records.

On environmental monitoring and multi-sectoral coordination, the Ministry embraced the institutionalization of a "One Health" approach. It stated that the Bill should establish clear channels for risk assessments and joint enforcement among the Ministries responsible for Health, Agriculture, Environment, and Trade, alongside County Governments. For emergency preparedness and response, that the Bill should provide definite mechanisms for chemical incidents and pesticide poisoning outbreaks, expressly assigning the Ministry of Health the lead responsibility for coordinating all public

health aspects of such emergencies. Additionally, the Committee to recommend for continuous training, competency development, and certification of pesticide applicators, laboratory personnel, and health workers to ensure safe management.

Finally, the bill to be harmonized with national and international obligations. The legislative drafts be adjusted to ensure conformity with the Constitution of Kenya (2010), the Health Act (2017), the Public Health Act (Cap. 242), the Food, Drugs and Chemical Substances Act (Cap. 254), the Food and Feed Safety Control Coordination Act (2026), the Environmental Management and Coordination Act (EMCA), the Occupational Safety and Health Act (2007), alongside the International Health Regulations (2005) and the Rotterdam, Stockholm, and Basel Conventions.

Committee observations

Subject to the incorporation of these amendments, the Committee noted that the Ministry's overall support for the Bill and its availability to provide further technical assistance.

G. Submission by the National Environment Management Authority (NEMA)

In its presentation, NEMA observed that while the Bill seeks to regulate the importation, manufacture, distribution, use and disposal of pest control products and establish the Pest Control Products Authority, several of its provisions overlap with the Authority's existing statutory mandate under the Environmental Management and Coordination Act (EMCA), Cap. 387, and the Sustainable Waste Management Act, 2022.

That the Bill duplicates its functions relating to the registration and certification of pesticides and toxic substances, inspection and licensing of operators, seizure and disposal of pesticides, environmental monitoring, environmental sampling, waste management, laboratory designation, and reporting of environmental incidents. The Authority cautioned that the proposed framework would create conflicts of law, duplication of regulatory mandates, overlapping enforcement responsibilities and expose stakeholders to multiple licensing requirements, double taxation and increased compliance costs.

The Authority further noted that several provisions of the Bill confer functions on the proposed Pest Control Products Authority that are already exercised by NEMA and the Ministry responsible for Environment under EMCA. It also observed that the Bill did not sufficiently recognise the role of the environmental sector in the governance structure of the proposed Authority and recommended the inclusion of representation from the Ministry responsible for Environment on the Board.

It proposed a number of amendments to specific clauses of the Bill, including the deletion or revision of provisions relating to environmental monitoring, disposal of pest control product waste, environmental laboratories, environmental reporting and regulation-making powers, so as to align them with existing environmental legislation and avoid duplication of mandates. The Authority also recommended that provisions touching on environmental protection be implemented in consultation with NEMA and other relevant agencies.

Finally, it suggested that the Bill should be refined to address genuine regulatory gaps without duplicating existing environmental laws. It recommended that the Bill be harmonised with EMCA and the Sustainable Waste Management Act, incorporate sustainability principles such as the circular economy and extended producer responsibility, and strengthen environmental safeguards through existing environmental assessment and compliance mechanisms.

H. Submission by the Kenya Agricultural and Livestock Research Organization (KALRO)

In its presentation, KALRO expressed support for the proposed Bill and welcomed the establishment of the Pest Control Products Authority, noting that it would provide a dedicated framework for the regulation of pest control products. However, the Organization proposed several amendments aimed at strengthening the Bill and enhancing evidence-based decision-making.
KALRO recommended that the Authority undertake the evaluation of pest control products in collaboration with accredited research institutions to ensure that scientific research informs product registration decisions. It further proposed that pre-registration and post-registration trials conducted in Kenya be made mandatory to generate local scientific data before registration of pest control products.

The Organization proposed amendments to improve the drafting of various clauses relating to the functions of inspectors, capacity building of county governments, public awareness, registration procedures, counterfeit pest control products and regulation-making powers, with a view to enhancing clarity, consistency and effective implementation of the legislation.

Further, KALRO proposed the inclusion of additional provisions to strengthen the regulatory framework. These included promoting Integrated Pest Management (IPM) and safer alternatives to synthetic pesticides, enhancing post-registration surveillance and resistance monitoring, integrating national research institutions into the governance and technical advisory structures of the Authority, providing for periodic scientific review of registered active ingredients, and establishing mechanisms for fast-tracking the registration of biological pest control products.

The establishment of a National Pest Control Products Scientific Advisory Committee comprising representatives from KALRO, KEPHIS, universities, regulators and other relevant agencies to provide scientific and technical advice. It also recommended that the Bill provide mechanisms for promoting public-private partnerships in research and innovation, support research on safer locally developed pest control alternatives, and establish stakeholder engagement forums to facilitate continuous feedback on registered pest control products and emerging concerns.

KALRO reaffirmed its support for the Bill and urged the Committee to incorporate the proposed amendments to strengthen scientific research, innovation, sustainable agriculture, food safety and climate-resilient pest management within the proposed regulatory framework.

MIN. NO. NA/A&L/2026/145: ANY OTHER BUSINESS

1. The Committee was informed that the Ministry of Agriculture and Livestock Development submitted the Audit Report on the four leased sugar companies pursuant to the Committee's meeting of 12th May 2026. The Report was submitted to facilitate the Committee's consideration of issues relating to salary arrears, terminal dues, and employee-related liabilities arising from the leasing of the sugar companies.

2. That the Project Management Committee (PMC) of the Mogogosiek Aggregation Store Project had submitted a petition raising concerns regarding the management and implementation of the project.

3. The Committee was also informed that the Third Global Parliamentary Summit against Hunger and Malnutrition will be held in Nairobi, Kenya, from 16th to 17th November 2026. The Summit will be jointly hosted by the Food and Agriculture Organization (FAO), the Spanish Agency for International Development Cooperation (AECID), and the Parliament of Kenya.

MIN. NO. NA/A&L/2026/146: ADJOURNMENT/DATE OF THE NEXT MEETING

The meeting was adjourned at quarter past two o'clock. The next meeting will be held on notice.

SIGNED: ..... DATE: 14/10/2026

for

HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, CBS, MP
CHAIRPERSON,
DEPARTMENTAL COMMITTEE ON AGRICULTURE & LIVESTOCK

Annexure 4: **Copy of the Newspaper Advertisement on Public Participation**

Politics He says leadership requires balancing political activism with responsibility of protecting lives and livelihoods

'It was a trap': Why Gachagua kept off anniversary demos

Former deputy president says intelligence reports pointed to plan to provoke violence, loot businesses and blame Mt Kenya

BY MWANGI MUIRURI

Former Deputy President Rigathi Gachagua has defended his decision to stay away from yesterday's commemoration of the Gen Z protests, saying it was a calculated move aimed at preventing bloodshed, destruction of property and arbitrary arrests in the Mt Kenya region.

In an interview with the Nation yesterday, Mr Gachagua said political leaders, professionals, religious figures and business people from the region had reached a consensus that participating in public demonstrations would expose residents to violence and economic losses.

The June 2024 Gen Z protests began as demonstrations against the Finance Bill before evolving into a broader movement demanding accountability, good governance, an end to corruption and a more inclusive economy. The protests were met with a heavy security response that resulted in deaths, injuries, alleged abductions and enforced disappearances, leading to annual commemorations every June 25.

Mr Gachagua said his decision was informed by consultations held during his ongoing 45-day political conclave at his Wamunyoro home in Nyeri County, where he has been meeting political allies, professionals and community leaders.

"I had gathered intelligence from my government networks and the reality is that there were expectations that I would appear in the streets, creating an opportunity for goons and rogue security officers to cause mayhem," he said.



> The plan was to create violence, loss of life and looting and then portray Mt Kenya as the centre of opposition to President William Ruto's administration
>
> Mr Rigathi Gachagua

According to the former DP, intelligence reports suggested that criminal gangs had been mobilised to infiltrate demonstrations in Mt Kenya and trigger violence that would then be blamed on the region.

"The plan was to create violence, loss of life and looting and then portray Mt Kenya as the centre of opposition to President William Ruto's administration. That plan suffered a setback when I advised my supporters to stay away from the streets," he claimed.

Mr Gachagua argued that leadership requires balancing political activism with the responsibility of protecting lives and livelihoods.

"I publicly asked my supporters not to participate because I have a duty to protect them from loss of life and destruction of property. Responsible leadership demands that I put their safety first," he said.

He insisted that the opposition remains united in its objective of removing President Ruto from office through the ballot rather than through street protests.

"We are united by one objective of ensuring this government leaves office through a democratic vote in 2027. How individual opposition leaders mobilise their supporters may differ, but our common goal remains the same," he said.

Mr Gachagua acknowledged that some opposition leaders chose to participate in the commemorations but said different leaders operate under different political circumstances.

"We are principals with different constituencies and dynamics. There cannot be uniformity in every action. What matters is our shared commitment to offering Kenyans an alternative leadership in 2027," he said.

He added that mobilising Mt Kenya, which he described as the country's largest voting bloc, requires careful political calculation.

"Leading people into situations that may expose them to death, injuries and economic ruin cannot be part of a responsible opposition strategy. We will register our protest through the vote in 2027," he said.

His position was echoed by Kikuyu Council of Elders chairman Wachira Kiago, who said the community had resolved to reject street protests after previous demonstrations resulted in looting and business losses.

"We do not believe in street protests. That is not our culture. We will express ourselves through the ballot," Mr Kiago said.

However, Mr Gachagua's position drew criticism from allies of President Ruto.

Laikipia East MP Mwangi Kiunjuri dismissed claims of a government plot to unleash violence in Mt Kenya, describing them as political propaganda.

"Mr Gachagua is conducting double-agency politics. He wants to keep Mt Kenya voters under his influence while pursuing his own political interests," Mr Kiunjuri said.

The legislator further said Mr Gachagua's recent political activities, including his brief trip to the United Kingdom and the ongoing Wamunyoro conclave, reflected a leader struggling to define his political direction.

mwangilink@gmail.com

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT- FIFTH SESSION, 2026

THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118 (1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE PEST CONTROL PRODUCTS BILL, 2025 (NATIONAL ASSEMBLY BILL No. 48 OF 2025)

INVITATION TO SUBMIT MEMORANDA

WHEREAS Article 118 (1) (b) of the Constitution requires Parliament to facilitate public participation and involvement in the legislative and other business of Parliament and its Committees and Standing Orders 127(3) of the National Assembly Standing Orders requires House Committees considering Bills to facilitate public participation;

AND WHEREAS, the **Pest Control Products Bill (National Assembly Bill No. 48 of 2025)** was read a First Time on **Thursday, 18th June, 2026** and thereafter referred to the **Departmental Committee on Agriculture and Livestock** for consideration and reporting back to the House:

IT IS NOTIFIED that the **Pest Control Products Bill (National Assembly Bill No. 48 of 2025)** is a Bill sponsored by the **Leader of the Majority Party** which seeks to repeal and replace the Pest Control Products Act, Cap. 346 to prescribe a robust framework for regulating pest control products. In particular, the Bill—

(a) replaces the Pest Control Products Board with the Pest Control Products Authority;
(b) regulates the importation, exportation, manufacture, acquisition, distribution, advertising, use and disposal of products used for the control of pests and organic functions of plants;
(c) provides for the appointment and designation of inspectors, the role of county governments, the role of the Authority in encouraging local innovation and development of pest control products, and the procedure for the forfeiture and disposal of seized; and
(d) outlines the procedure for authorizing research in pest control products; safe disposal of pest control products; certification of premises; issuance, expiry, suspension and cancellation of certificates; and the establishment, designation and authorization of laboratories by the Authority.

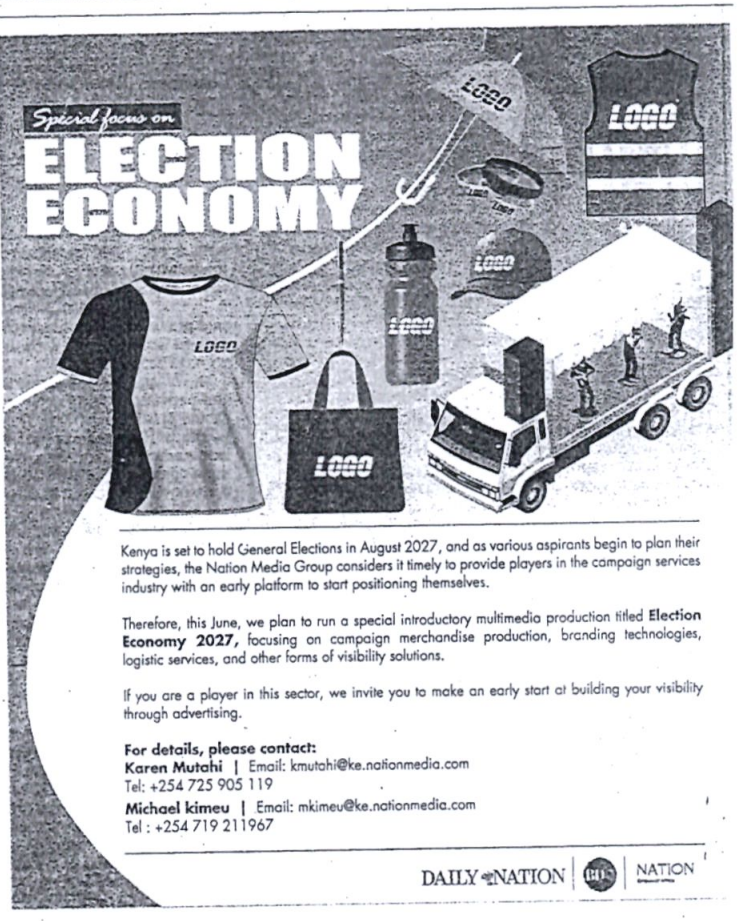
NOW THEREFORE, in compliance with Article 118 (1) (b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the general public and stakeholders to submit memoranda on the Bill to the **Departmental Committee on Agriculture and Livestock**.

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Building and on www.parliament.go.ke/the-national-assembly-business/bills.

The Memoranda may be forwarded to the **Clerk of the National Assembly,** P.O. Box 41842 – 00100, Nairobi; hand-delivered to the **Office of the Clerk, Main Parliament Building, Nairobi;** or emailed to cna@parliament.go.ke to be received on or before **Friday 17th July 2026 at 5.00 pm.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
26th June, 2026

"For the Welfare of Society and the Just Government of the People"



Kenya is set to hold General Elections in August 2027, and as various aspirants begin to plan their strategies, the Nation Media Group considers it timely to provide players in the campaign services industry with an early platform to start positioning themselves.

Therefore, this June, we plan to run a special introductory multimedia production titled **Election Economy 2027,** focusing on campaign merchandise production, branding technologies, logistic services, and other forms of visibility solutions.

If you are a player in this sector, we invite you to make an early start at building your visibility through advertising.

For details, please contact:
Karen Mutahi | Email: kmutahi@ke.nationmedia.com
Tel: +254 725 905 119
Michael kimeu | Email: mkimeu@ke.nationmedia.com
Tel : +254 719 211967

DAILY NATION | NATION

MOZZART

SPECIAL PROJECT FOR SPECIAL SCHOOL: MOZZART KENYA LAUNCHES BOREHOLE AT ST. PATRICK'S SPECIAL SCHOOL, THIKA



Mozzart Kenya Country Manager presents a dummy cheque representing the amount used in the project to the Thika Municipality Community.

GAMING firm Mozzart Kenya, reaffirmed its commitment to supporting access to clean and safe water in schools and communities across the country, after launching a borehole at St Patrick's Special School in Thika.

The company made the intervention through its Action 100 Wells initiative, commissioning a 220 meter-deep solar-powered borehole that will offer a long-term solution to water challenges at the institution.

The commissioning ceremony brought together parents, senior officials from Thika Municipality, representatives from the Ministry of Education, education officers in charge of learners with special needs and officials from the Gaming Regulatory Authority of Kenya.

Speaking during the event, Mozzart Kenya Country Manager, Sasa Krneta, expressed satisfaction at the commissioning of the project, noting that access to clean water remained central to creating conducive learning environment.

"At Mozzart, we believe that every child deserves access to a safe and conducive learning environment. Education thrived when basic needs were met, and among those needs was access to clean and reliable water. When we learned about the challenges this school faced, we saw an opportunity to make a meaningful and lasting difference. Today, we were proud to hand over this borehole, which will support the school's daily needs and benefit the wider community for many years to come," he said.

He further expressed confidence that similar interventions in other institutions had delivered positive outcomes, including improved sanitation and enhanced learning conditions.

"Based on feedback from Namgoi Mixed Day Secondary School in Nandi County, Yambila Primary School in Kitui County, Lurambi Primary School in Kakamega County, and other institutions where we had previously drilled boreholes, I was confident that improved access to clean water would lead to better academic performance," he added.

St Patrick's Special School head teacher Madam Ruth Kinuthia expressed gratitude for the intervention, noting that the school had struggled with water challenges for a long period and incurred significant monthly costs in accessing water.

She revealed that the school, which houses 162 learners, parts with at least Ksh 24,000 per month in water bills.

"We could not thank Mozzart enough for coming to our aid and solving a challenge that had affected this school for years. The water situation had been a major burden and this borehole was a huge relief. It will greatly improve sanitation and support the health of our learners. It will also ease our daily operations," said Kinuthia, who joined the school in September last year.

Her sentiments were echoed by Madam Jane Kariuki, Educational Officer in charge of children with special needs in Thika West Sub County, who said the project, addressed a critical need and improved hygiene, health and learning conditions.

"This borehole will tackle a long-standing need. It will improved hygiene, supported better health outcomes, and enhanced learning conditions. We appreciated Mozzart for the commitment shown," she said.

Thika Municipal Manager Madam Margaret Nyachania also commended the initiative, saying it will allow focus to shift towards improving infrastructure and creating a greener environment.

"We thank Mozzart for investing in our school. It means a lot to our learners. With the water shortage now solved, we were better placed to focus on improving the school's appearance, including cabro works and creating a greener, more conducive environment for teaching and learning," she said.

Kenya Primary School Heads Association (KEPSHA) Thika West Sub County Chairperson, John Gathogo, also praised the project.

He noted that it will reduce water bills, ease operational costs and benefit both the school and the surrounding community.

"This project is a major boost not only for the school but also for the surrounding community. It will significantly reduce water bills and eased operational costs. More importantly, it will ensure reliable access to clean water, which is essential for both learning and the general well-being of learners and staff," said Gathogo.



Gambling Regulatory Authority of Kenya Deputy Director Mr. Fredrick Mbasi issues a speech from the regulator.



St. Patricks Special School Headteacher & St. Patricks Primary & JSS Headteacher pose for a photo by the Mozzart Water Kiosk.



Taps officially open at the Mozzart fresh water point after the commissioning.

Meanwhile, Gaming Regulatory Authority Deputy Chairperson Fredrick Mbasi lauded Mozzart Kenya's CSR initiatives, describing the project as impactful and well-targeted.

"From the onset, let me say I have toured the county extensively with Mozzart, and their CSR activities are truly impactful," said Mbasi before embarking on his statement.

He highlighted the importance of private sector participation in supporting education and community development.

"To the leadership of Mozzart, I extend my heartfelt appreciation for this noble initiative. Your support towards education and community development was commendable, and I encouraged other operators to follow suit in making a meaningful impact," was part of his statement.

The borehole at Thika marks the 17th officially commissioned by Mozzart, and is capable of producing up to 2,500 liters of water per hour at peak sunlight. It will serve St. Patrick's Special School as well as the neighboring St. Patrick's Primary and Junior School, which has a population of 350 learners. Mozzart is set to commission two more boreholes in the coming weeks already completed in Kajiado and Laikipia Counties respectively.

KISUMU COUNTY ASSEMBLY

THIRD ASSEMBLY – FIFTH SESSION

In the matter of consideration before the County Assembly of Kisumu on the Kisumu County Sexual Reproductive Healthcare Bill, 2026.

Pursuant to the Provisions of Article 185(2) and Article 196 of the Constitution of Kenya, 2010, Section 87 and 115 of the County Government Acts, 2012 read together with Order No. 123 of the Kisumu County Assembly Standing Orders, the Kisumu County Sexual Reproductive Healthcare Bill, 2026 has been read for the First time and committed to the Sectoral Committees on Medical Services, Public Health and Sanitation.

Take notice therefore that the Public Participation exercise for the Bill has been **scheduled on the Thursday 9th July, 2026 at the Mama Grace Social Hall: from 9:00am to 2:00 p.m.**

The members of the General Public, Civil Society/interested groups, professionals and other relevant stakeholders are invited to submit their oral, written memorandum to the Clerk of the County Assembly on a date **NOT later than Thursday 9th July, 2026** at **4.00pm**. Submission may be sent or hand delivered to the following address/email:

Clerk
County Assembly of Kisumu,
P.O Box 86-40100, Kisumu.
Email: *kisumuassembly@gmail.com*

The Kisumu County Sexual Reproductive Healthcare Bill, 2026 may be retrieved and accessed at ***https://kisumuassembly.go.ke/?page_id=1180***

REPUBLIC OF KENYA

THIRTEENTH PARLIAMENT- FIFTH SESSION, 2026

THE NATIONAL ASSEMBLY

IN THE MATTER OF ARTICLE 118 (1) (b) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF THE PEST CONTROL PRODUCTS BILL, 2025 (NATIONAL ASSEMBLY BILL No. 48 OF 2025)

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(a) replaces the Pest Control Products Board with the Pest Control Products Authority;
(b) regulates the importation, exportation, manufacture, acquisition, distribution, advertising, use and disposal of products used for the control of pests and organic functions of plants;
(c) provides for the appointment and designation of inspectors, the role of county governments, the role of the Autho.ity in encouraging local innovation and development of pest control products, and the procedure for the forfeiture and disposal of seized; and
(d) outlines the procedure for authorizing research in pest control products; safe disposal of pest control products; certification of premises; issuance, expiry, suspension and cancellation of certificates; and the establishment, designation and authorization of laboratories by the Authority.

NOW THEREFORE, in compliance with Article 118 (1) (b) of the Constitution and National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the general public and stakeholders to submit memoranda on the Bill to the **Departmental Committee on Agriculture and Livestock**.

Copies of the Bill are available at the National Assembly Table Office, Main Parliament Building and on www.parliament.go.ke/the-national-assembly-business/bills.

The memoranda may be addressed to the Clerk of the National Assembly, P.O. Box 41842 – 00100, Nairobi, and delivered to the **Office of the Clerk, Main Parliament Building, Nairobi;** or emailed to cna@parliament.go.ke to be received on or before **Friday 17th July 2026** at **5.00 pm.**

S. NJOROGE, CBS
CLERK OF THE NATIONAL ASSEMBLY

26th June, 2026

Annexure 3: **Copy of the Pest Control Products Bill (National Assembly Bill No. 48 of 2025)**

SPECIAL ISSUE

Kenya Gazette Supplement No. 184 (National Assembly Bills No. 48)

REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

NAIROBI, 3rd November, 2025

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NATIONAL ASSEMBLY
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THE PEST CONTROL PRODUCTS BILL, 2025

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2—Interpretation.

3—Scope.

4—Purpose of the Act.

5—Guiding principles.

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7—Headquarters of the Authority.

8—Functions of the Authority.

9—The Board of Directors of the Authority.

10—Powers of the Board.

11—Qualifications for appointment of the Chairperson.

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15—Business and affairs of the Board.

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17—Appointment of the Managing Director.

18—The staff of the Authority.

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29—Renewal of registration.

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THE PEST CONTROL PRODUCTS BILL, 2025

A Bill for

AN ACT of Parliament to regulate the importation, exportation, manufacture, acquisition, distribution, advertising, use and disposal of products used for the control of pests and organic function of plants; to establish and provide for the powers and functions of the Pest Control Products Authority; and for connected purposes

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY PROVISIONS

Short title.

1. This Act may be cited as the Pest Control Products Act, 2025.

Interpretation.

2. In this Act, unless the context otherwise requires–

"active ingredient" means the part of the product that provides pesticidal action;

"adulteration" means the unlawful and deliberate addition of any substance or thing to a pest control product so as to change or alter its character, value, quality, composition, merit, efficacy and safety;

"agro-dealer" refers to any person or company who deals in pest control products and includes manufacturers, formulators, importers, exporters, re-packers, distributors, retailers, warehousing, pest control service providers, commercial spray service providers, agents, and wholesalers;

"Authority" means the Pest Control Products Authority established under section 6;

"banned pest control product "means a pest control product where all uses have been prohibited by final regulatory action;

"Board" means the board of directors established under section 9;

"Cabinet Secretary" means the Cabinet Secretary for the time being responsible for matters relating to pest control;

"commercial training" in relation to pest control products means training or coaching for imparting skill or knowledge or lessons on pest control or related fields, with or without issuance of a certificate, and includes coaching or tutorial classes, but does not include government extension services, pre-school coaching or training offered at any institute or establishment which issues any certificate or diploma or degree or any educational qualification recognized by law for the time being in force;

"counterfeit" means a pest control product, label or package which is similar or substantially indistinguishable from pest control product, label or package that is authorized under this Act and which is likely to cause confusion or mistake or to deceive or pass off as being a genuine pest control product, label or package, and "counterfeit goods" shall be construed accordingly;

"County Executive Committee Member" means a county executive Committee member responsible for matters relating to pest control;

"disposal" means any operation to recycle, neutralize, destroy or isolate pest control product waste, used containers or contaminated material;

"expired pest control product" means a pest control product whose shelf life as indicated on the label has lapsed;

"Inspector" means a person appointed as an inspector under section 19;

"label" includes a legend, word, mark, symbol, pictogram or design applied or attached to, included in, belonging to or accompanying any pest control product;

"Managing Director" means the Managing Director of the Authority appointed under section 17;

"manufacture" includes any process carried out in the course of making a pest control product including synthesis of active ingredients, formulation, blending, mixing, distillation, processing, changing of form or application of any chemical or physical process in the preparation of a pest control product and packaging;

"Maximum Residue Limit" means the maximum concentration of a residue that is legally permitted or

recognized as acceptable in or on a food, agricultural commodity or feedstuff;

"obsolete pest control products" means pest control product that can no longer be used for their original purpose or any other purpose and therefore require proper disposal;

"package" includes any container, wrapping, covering or holder in which any pest control product or material is wholly or partly contained, placed or packed;

"pest" means any injurious, noxious or troublesome insect, fungus, nematodes, bacterial organism, virus, weed, rodent, or other troublesome animal or other plant pest; pests of plant products, materials or environments and includes any injurious, noxious or troublesome condition or organic function of a plant or regulating plant growth; and pests and vectors of parasites or pathogens of human causing public health nuisance;

"pest control product" means a product, device, organism, substance or thing that is manufactured, represented, sold or used as a means for directly or indirectly controlling, preventing, destroying, attracting or repelling any pest and includes –

(a) any compound or substance that enhances or modifies or is intended to enhance or modify the physical or chemical characteristics of a pest control product to which it is added;

(b) any active ingredient used for the manufacture of a pest control product;

(c) plant growth regulators;

(d) products for control of public health pests including mosquitoes, fleas, mites, bugs; and

(e) any other product for control of pest of public concern;

"personal protective equipment" means any clothes, materials, or devices that are designed to provide protection from pest control products during the handling or application of;

"Registrar" means the Registrar of Pest Control Products referred to in section 26;

"repackaging" means the transfer of a pest control product from any commercial package into any other, usually smaller, container for subsequent sale;

"residue" means any specified substances in food, agricultural commodities, or animal feeds resulting from the use of a pest control product, and includes a conversion product metabolite reaction product or other derivatives thereof;

"severely restricted pest control product" means a pest control product virtually where All Uses of which have been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed; and

"toxicity" means a physiological or biological property which determines the capacity of a pest control product to do harm or to occasion injury to a living organism by other than mechanical means.

Scope.

3. (1) This Act shall apply to the following—

(a) pest control products for use in plants and plant products, forestry, construction, paint and wood;

(b) pest control products for control of pests that pose a risk to public health;

(c) any compound or substance that enhances or modifies or is intended to enhance or modify the physical or chemical characteristics of a pest control product to which it is added;

(d) any technical grade active ingredient used for the manufacture of a pest control product;

(e) plant growth regulators and defoliators;

(f) biocides;

(g) other pest control products and devices not covered by any other law;

(h) importers, exporters, manufacturers, formulators, re-packers, wholesalers, distributors, retailers, local agents, users, commercial trainers on pest control products, spray service providers and any other persons dealing with pest control products;

(i) premises dealing with pest control products and disposal of pest control product waste, used containers or contaminated materials;

(j) research on unregistered pest control products;

(k) persons conducting pre-registration trials of pest control products;

(l) transportation of pest control products; and

(m) monitoring and surveillance of formulated products and residues in food and environmental samples.

(2) This act shall not apply to pest control products regulated under the Veterinary Surgeons and Veterinary Paraprofessionals Act. Cap. 366.

Purpose of the Act.

4. The purpose of this Act is to—

(a) safeguard human health and the environment from risks associated with pest control products;

(b) provide a legal framework for the issuance, suspension and cancellation of certificates and permits;

(c) facilitate research into pest control products; and

(d) regulate all matters related to pest control products.

Guiding principles.

5. The guiding principles of this Act are—

(a) the national values and principles of governance set out by Article 10 of the Constitution;

(b) the values and principles of public service set out by Article 232 of the Constitution; and

(c) the principles of leadership and integrity set out in Chapter Six of the Constitution.

PART II—THE PEST CONTROL PRODUCTS AUTHORITY

Establishment of the Authority.

6. (1) There is established an Authority to be known as the Pest Control Products Authority.

(2) The Authority shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of—

(a) suing and being sued;

(b) taking, purchasing or otherwise acquiring, holding, charging or disposing of movable and immovable property;

(c) borrowing and lending money;

(d) entering into contracts; and

(e) doing or performing all such other things or acts necessary for the proper performance of its functions under this Act, which may be lawfully done by a body corporate.

Headquarters of the Authority.

7. (1) The Headquarters of the Authority shall be in Nairobi City County.

(2) The Authority may establish other offices outside Nairobi City County.

Functions of the Authority.

8. The functions of the Authority shall be to—

(a) assess and evaluate pest control products in accordance with this Act;

(b) register pest control products;

(c) safeguard human health and the environment from risks associated with pest control products by, among other things—

(i) evaluating pest control products before registration;

(ii) advising on the maximum residue limits for pest control products;

(iii) monitoring and conducting surveillance of pest control products and residues in the environment and in food commodities; and

(iv) establishing minimum intervals between the application of pest control products and harvest of crops;

(d) prescribe and oversee the enforcement of standards and regulations in respect of pest control products;

(e) advise the Government on international treaties and conventions relating to pest control products which Kenya has ratified;

(f) implement international treaties and conventions relating to pest control products which Kenya has ratified;

(g) conduct periodic reviews of registered pest control products;

(h) sample and analyse pest control products, and residues thereof in produce and the environment;

(i) conduct research on pest control products and related articles;

(j) develop guidelines relating to pest control products;

(k) develop guidelines for the disposal of obsolete and expired pest control products, pest control product waste and used pest control product containers;

(l) oversee and supervise the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers;

(m) safeguard the environment from risks associated with pest control products through risk assessment;

(n) offer technical assistance to the county government on safeguarding the environment from risks associated with pest control products; and

(o) perform any other functions as may be prescribed by the Act or any other written law.

The Board of Directors of the Authority.

9. (1) There is established a Board of Directors of the Authority which shall be responsible for overseeing and supervising the operations of the Authority.

(2) The Board shall consist of—

(a) a non-executive chairperson appointed by the President;

(b) the Principal Secretary in the Ministry for the time being responsible for matters relating to agriculture;

(c) the Principal Secretary in the Ministry for the time being responsible for matters relating to finance;

(d) the Principal Secretary in the Ministry for the time being responsible for matters relating to health;

(e) the Attorney-General;

(f) one person with knowledge in pests control products nominated by the Council of County Governors;

(g) three persons appointed by the Cabinet Secretary as follows—

(i) one person nominated by the Agrochemicals Association of Kenya;

(ii) one person nominated by a registered national organization representing farmers engaged in crop farming; and

(iii) one person nominated by a registered national organization, representing persons trading in agricultural produce; and

(h) the Managing Director of the Authority, who shall be an *ex officio* member without the right to vote at meetings of the Board.

(3) The Board may co-opt any person with requisite expertise for such duration as may be required to assist the Board in the performance of its functions.

(4) A person co-opted by the Board under subsection (3) may attend the meetings of the Board and participate in the Board's deliberations but shall not have a right to vote on any decision of the Board.

Powers of the Board.

10. The Board shall have all powers necessary for the proper performance of its functions under this Act, and in particular, without prejudice to the generality of the foregoing, the Board shall have the power to—

(a) formulate policies pertaining to the organization, management and implementation of the objects of the Authority;

(b) suspend or cancel certificates or permits issued under this Act;

(c) control, supervise and utilize the assets of the Authority in such manner as best promotes the purposes for which the Authority is established;

(d) determine the provisions to be made for capital and recurrent expenditure and for reserves for the Authority;

(e) receive, on behalf of the Authority, grants, gifts, donations or endowments and make legitimate disbursement therefrom;

(f) enter into association with such other bodies or organizations within or outside Kenya as the Authority may consider desirable or appropriate and in furtherance of the purposes for which the Authority is established;

(g) open banking accounts for the funds of the Authority;

(h) invest any funds of the Authority not immediately required for its purposes in such a manner as Cabinet Secretary responsible for matters relating to finance may approve;

(i) establish such committees as it may deem appropriate, to perform such functions as it may determine and such committees may consist partly or wholly of members of the Board;

(j) delegate to any member, officer, employee or agent of the Authority the exercise of any of the powers or the performance of any of the functions or duties of the Authority under this Act;

(k) prescribe fees for services rendered by the Authority; and

(l) advise the Government on all matters relating to the enforcement of the provisions of this Act.

Qualifications for appointment of the Chairperson.

11. A person shall be qualified to be appointed as the chairperson of the Board if that person—

(a) holds a degree from a university recognized in Kenya;

(b) has at least ten years' experience in a relevant scientific field; and

(c) satisfies the requirements of Chapter Six of the Constitution.

Appointment of the Board.

12. (1) Every appointment under section 9 shall be by name and by notice in the *Gazette*.

(2) A person appointed as the chairperson or a member of the Board shall hold office for a term of three years and shall be eligible for reappointment for only one further term of three years.

Vacancy in the Board.

13. The office of the chairperson or a member of the Board shall become vacant if the Chairperson or member—

(a) resigns by notice in writing to the appointing authority;

(b) is absent from three consecutive meetings of the Board without just cause;

(c) ceases to be a member of the organization nominating such person to the Board;

(d) conducts himself or herself in a manner that is inconsistent with membership of the Board;

(e) is incapacitated by prolonged physical or mental illness from performing the duties of the office;

(f) is convicted of criminal offence and sentenced to imprisonment for a term exceeding six months without the option of a fine;

(g) is adjudged or otherwise declared bankrupt under any written law; or

(h) is otherwise unable or unfit to continue as a member of the Authority.

Common seal of the Authority.

14. (1) The common seal of the Authority shall be kept in such custody as the Board may direct and shall not be used except upon the direction of the Board.

(2) The common seal of the Authority shall be authenticated by the signatures of the Managing Director together with any other person duly authorized by the Board.

(3) The common seal of the Authority when affixed to any document and duly authenticated shall be judicially and officially noticed, and unless and until the contrary is proved, any order or authorization by the Board under this paragraph shall be presumed to have been duly given.

(4) All documents other than those required by law to be under seal, made on behalf of the Board and all decisions of the Board may be signed under the hand of the

Managing Director or any other person duly authorized by the Board.

Business and affairs of the Board.

15. The First Schedule shall apply to the conduct of the business and affairs of the Board.

Remuneration of the members of the Board.

16. The Authority shall pay the members of the Board such remuneration or allowances as the Cabinet Secretary may, in consultation with the Salaries and Remuneration Commission, determine.

Appointment of the Managing Director.

17. (1) There shall be a Managing Director of the Authority who shall be responsible to the Board for the day-to-day management of the affairs of the Authority.

(2) The Managing Director shall be competitively recruited and appointed on such terms and conditions of service as the Board may determine.

(3) A person shall be qualified for appointment as the Managing Director if that person—

(a) holds at least a Masters' degree from a university recognized in Kenya in any relevant discipline relating to the functions of the Authority;

(b) has at least ten years' relevant experience; and

(c) has served in a senior management position for at least five years.

(4) The Managing Director shall hold office for a term of three years and shall be eligible for reappointment for only one more term of three years.

(5) The Board may remove the Managing Director from office on any of the following grounds—

(a) breach of the Code of Conduct of the Authority;

(b) inability to perform the functions of the office for reasons of mental and physical infirmity;

(c) conviction of a criminal offence; or

(d) any other sufficient cause to the satisfaction of the Board.

(6) Before being removed from office, the Board shall afford the Managing Director sufficient opportunity to make representations against his or her removal.

The staff of the Authority.

18. The Board may appoint such other officers and staff of the Authority as may be necessary for the performance of the Authority's functions under this Act.

PART III—INSPECTORS AND ANALYSTS

Appointment and designation of inspectors.

19. (1) The Authority or County Executive Committee Member may appoint such inspectors as may be required for the performance of the Authority's or county government's functions under this Act.

(2) The Cabinet Secretary, on the advice of the Authority, shall prescribe the qualifications and duties of inspectors under this Act.

Powers of inspectors of the Authority.

20. (1) An inspector appointed under this Act may, at all reasonable times in the performance of the functions or exercise the powers conferred by this Act—

(a) enter and inspect any premises—

(i) in which the inspector reasonably believes a pest control product to which this Act applies is or has been manufactured, stored, sold or used;

(ii) in which the inspector reasonably believes there is material that is contaminated by a pest control product; or

(iii) which is or are being used in the manufacture of a pest control product;

(b) examine any pest control product or material found in any place or premises, or open any package found therein that the inspector has reason to believe contains any pest control product or material and take samples thereof;

(c) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts therefrom, any books, shipping bills, bills of lading, documents containing instructions, or other documents or papers concerning any matter relevant to the administration of this Act;

(d) issue certificate in respect of a premises or business upon compliance with the provisions of this Act or Regulations made thereunder;

(e) order any person to present any pest control product or other thing for inspection in any manner and under any condition that the inspector considers necessary to conduct an inspection; and

(f) issue a stop order and or recommend withdrawal of a certificate issued to any person operating any business in pest control product where there is a violation of this Act.

(2) The Authority or county government, as the case may be, shall issue each inspector with a certificate of appointment as an inspector, and shall on entering any place or premises referred to in subsection (1) and if so required by the person in charge thereof, produce the certificate as proof of identification.

(3) The owner or person in charge of any place or premises referred to in subsection (1) and every person found therein shall give an inspector all reasonable assistance to enable the inspector to carry out his or her duties and functions under this Act, and shall furnish the inspector with such information with respect to enforcement of the provisions of this Act as he or she may reasonably require.

(4) Any person who—

(a) wilfully refuses entry to an inspector acting under this section; or

(b) knowingly obstructs an inspector in making an entry or making an inspection,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.

(5) Any person who without reasonable excuse, fails to produce any pest control product or material for examination, any document the production of which is required under this section, commits an offence and is liable on conviction to a fine not less than fifty thousand shillings and not exceeding two hundred and fifty thousand shillings or imprisonment of a term not exceeding six months or both.

Role of inspectors of the Authority.

21. For the purposes of exercising the powers under section 20, an inspector of the Authority may—

(a) disseminate information on matters relating to pest control products;

(b) assist county governments in building capacity of among technical staff on pest control products through training;

(c) oversee and supervise the disposal of obsolete and expired pest control products and used pest control products containers;

(d) inspect and issue certificates to pest control products business operators upon compliance with this Act or Regulations made thereunder;

(e) seize and detain any complying pest control product that is not in compliance with this Act or Regulations made thereunder; and

(f) collect samples of pest control products or materials suspected to be contaminated with pest control products for analysis.

Analysts.

22. (1) The Authority may appoint analysts, as may be necessary for the performance of its functions under this Act.

(2) An analyst appointed under subsection (1) may collect or receive samples of pest control products or articles for analysis.

(3) Upon analysis, the analyst shall issue a certificate of analysis stating that the analyst has analysed an article or a sample of pest control product and the result of the analysis.

(4) Where the pest control product sample or article is subject to a court process the certificate of analysis shall be admissible as evidence in a prosecution for the contravention of any provision of this Act or Regulations made thereunder and shall be evidence of the statements contained therein.

(5) The party against whom a certificate of analysis is produced under subsection (3) may, with leave of the court, require the attendance of the analyst for the purposes of cross-examination.

(6) A certificate shall not be received in evidence under subsection (3) unless the party intending to produce it has given to the party against whom it is intended to be produced reasonable notice of that intention together with a copy of the certificate.

Role of county governments.

23. Each county government shall, for the purposes of this Act and in collaboration with the Authority, undertake the following functions relating to pest control products—

(a) promote good agricultural practices in the control of pests including integrated pest management;

(b) training and awareness creation of agro-dealers, farmers and the public on responsible use of pest control products;

(c) implement guidelines relating to pest control products;

(d) designate and establish pest control products waste collection and disposal sites in collaboration with National Environment Management Authority;

(e) implement measures to safeguard the environment from risks associated with pest control products;

(f) implement guidelines relating to pest control products; and

(g) regulate pest control products premises by issuing trade licences.

Role of inspectors appointed by county governments.

24. (1) An inspector appointed by a county government under this Act shall, in consultation with the Authority—

(a) report cases of suspected counterfeit pest control products and other non-conforming products to the Authority;

(b) keep and maintain a record of pest control products premises in the county;

(c) monitor the management of empty pesticide container collection sites and disposal of pest control products wastes;

(d) train, advise and create awareness to agro-dealers and farmers on responsible use of pest control products;

(e) at all reasonable times and upon producing certificates of appointment, enter premises for evaluation and collection of samples of suspected unregistered or counterfeit products and report to the Authority for further action;

(f) stop and inspect any consignment containing suspected unregistered or counterfeit pest control products within the county and report to the Authority for further action; and

(g) prevent the sale of pest control products in unlicensed places or premises.

(2) Without prejudice to subsection (1), an inspector appointed by a county government shall not perform the functions or exercise the powers of an inspector outside the jurisdiction of the inspector's county.

Seizure, forfeiture and disposal of pest control of products.

25. (1) Whenever an inspector appointed by the Authority believes, on reasonable grounds, that this Act or the Regulations made thereunder has or have been contravened, the inspector may seize and detain the pest control product in relation to which he reasonably believes the contravention was committed.

(2) Any pest control product seized and detained under subsection (1) shall not be detained—

(a) after such time, exceeding fourteen days, as in the opinion of the inspector the provisions of this Act and Regulations made thereunder have been complied with; or

(b) after the expiration of six months from the date of seizure, or such longer period as may be prescribed with respect to any pest control product, unless, before that time, proceedings have been instituted in respect of the contravention, in which case the pest control product may be detained until the proceedings are finally concluded.

(3) A court that convicts a person for an offence under this section or Regulations made thereunder may—

(a) order that any pest control product in relation to which the offence was committed shall be forfeited to the Government; and

(b) make such order as the court may deem proper as to the payment by the convicted person of any fees and other expenses incidental to the analysis and disposal of the pest control product in respect of which the conviction is obtained.

(4) Where an inspector seizes a pest control product, and the person in whose possession the pest control product was at the time of the seizure consents in writing to the disposal thereof, the pest control product shall thereupon be forfeited to the Government and be disposed of in such manner as may be prescribed by this Act or Regulations made thereunder.

(5) Any cost incurred by the Authority in connection with the disposal of any pest control product under subsection (4) shall be recovered from the owner or importer thereof.

(6) Any person who wilfully hinders or obstructs an inspector acting in exercise of the inspector's powers under this section commits an offence.

PART IV—REGISTRATION OF PEST CONTROL PRODUCTS

Registrar of Pest Control Products.

26. (1) The Managing Director shall be the Registrar of Pest Control Products.

(2) The Registrar may delegate to an officer of the Authority the exercise of any power or performance of any function of the Registrar conferred by this Act.

(3) Any decision made or instruction issued by an officer of the Authority acting under a delegation made under subsection (2) shall be deemed to have been made or given by the Registrar unless such decision or instruction is withdrawn or amended by the Registrar prior to the making of such decision or issuing of such instruction.

Registration of pest control products.

27. (1) Any person intending to manufacture, sell or introduce for use a pest control product in Kenya shall apply to the Authority for registration.

(2) An application under subsection (1) shall be made in accordance with Regulations made under this Act.

(3) Each applicant under subsection (1) shall supply or make available to the Registrar such samples and

particulars of the pest control product as the Registrar may require.

(4) The Registrar may require the applicant to conduct pre-registration and post-registration studies in Kenya to generate data for the purposes of the application.

(5) If, after consideration of any application and after such investigation and enquiry as may be necessary, the Registrar is satisfied that—

(a) the pest control product in respect of which the application is made is—

(i) safe for human health and the environment;

(ii) suitable and sufficiently effective for the purposes for which it is intended; and

(iii) complies with such requirements as may be prescribed under any Regulations made under this Act; and

(b) the establishment where the pest control product is intended to be manufactured is suitable for such manufacture,

the Registrar shall register and publish the registration of the pest control product.

(6) The Registrar may refuse an application for registration under subsection (1) if any previous registration of the pest control product has been suspended or cancelled under this Act.

(7) The Authority shall keep and maintain a database of pest control products registered under this Act.

(8) The Board shall appoint a technical advisory committee to assist the Registrar in the consideration of applications made under this section.

(9) Any registration under this section shall be subject to the prescribed conditions and any additional conditions as may be determined by the Registrar, and shall be valid for such period as may be specified.

Classification of pest control products.

28. (1) The Registrar shall upon evaluation of the toxicity and intended use of a pest control product assign a class for the product as follows—

(a) severely restricted;

(b) restricted;

(c) commercial and agricultural use;

(d) domestic;

(e) any other class as the Registrar by prescribe.

(2) The Registrar shall assign a registration number and a certificate of registration to the pest control product upon payment of prescribed fee by the applicant.

(3) The Authority may assign a mark of quality to registered pest control products.

Renewal of registration.

29. (1) Any registration under section 27 may be renewed at least one month before the lapse of the period specified under subsection (9) thereof.

(2) The Board may, by Regulations, prescribe a penalty for the late renewal of a certificate of registration of a pest control product if the application of renewal is made more than three months after expiry of the certificate.

(3) The provisions of section 27 shall apply, with the necessary modifications, to an application for renewal of registration.

East African Community guidelines to apply.

30. The registration of pest control product shall take into account East African Community guidelines on registration of Pest Control Products and East African Community Council of Ministers Decisions issued in this regard.

Manufacturing for export or re-export.

31. The Registrar may register a pest control product manufactured for export or re-export where the Registrar is satisfied with the safety and quality of the pest control product.

Re-evaluation of registered pest control products.

32. The Authority may initiate the re-evaluation of a registered pest control product in accordance with Regulations made under this Act.

Sale or use of unregistered pest control products.

33. A person who sells or uses a pest control product which is not registered in accordance with this Act commits an offence and shall upon conviction be liable to a fine not exceeding one million shillings or to a term of imprisonment not exceeding two years or both.

Provision of false or misleading information.

34. (1) A person who provides the Authority with false or misleading information with respect to the registration of a pest control product commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.

(2) Any trader or other person who, in the course of a trade or business in connection with the supply or use of pest control products or services, falsely represents that a pest control product is registered, commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or imprisonment for a term not exceeding two years or to both.

Cancellation of registration.

35. (1) The Registrar may suspend or cancel the registration of a pest control product at any time if satisfied that—

(a) the person to whom the registration was granted has in connection with the registration, contravened or failed to comply with any provision of this Act or Regulations made thereunder;

(b) the person to whom the registration was granted has contravened or failed to comply with a condition to which the certificate is subject;

(c) the person to whom the registration was granted by notice in writing, voluntarily applies for cancellation of the registration; or

(d) new scientific evidence demonstrates that the registered pest control product no longer fulfils the conditions of registration.

(2) A holder of a registration certificate that has been cancelled under this section may apply for re-registration upon complying with the provisions of this Act or Regulations made thereunder.

Registrar to give reasons.

36. The Registrar shall, in writing, furnish the applicant or the holder of a registration certificate as the case may be, with reasons for—

(a) refusal to issue a certificate of registration;

(b) suspension or cancellation of a certificate of registration,

within a period of thirty days from the date of the decision to undertake such suspension or cancellation, and shall give the person adversely affected an opportunity to be heard.

Banned, restricted and severely restricted pest control products.

37. (1) The Authority may ban the use of a pest control product, where—

(a) an active substance or formulation has been reported under any convention relating to pest control products ratified by Kenya to have severe, adverse effects on human and or the environment;

(b) scientific risk evaluation by the Authority demonstrates that the exposure to an active ingredient or formulation in Kenya poses unacceptable risk to humans and environment while considering—

(i) weight of scientific evidence;

(ii) availability of safer alternatives;

(iii) previous application of mitigation measures did not reduce the risk;

(iv) the risk does not arise from intentional misuse of the product.

(2) The Authority may list a product or formulation as severely restricted, where—

(a) the product or formulation has been listed in international conventions relating to pest control products such as Rotterdam Convention Annex III, to have adverse effects on humans and the environment;

(b) the Authority has determined from its evaluation process taking into account weight of evidence and effect on the socio-economic interest that the exposure to adverse effects from certain uses of a product cannot be mitigated in Kenya.

(3) The procedures and conditions for listing severely restricted products and formulations, their use, the persons handling and their availability in the market shall be in accordance with the provisions of this Act and regulations made thereunder.

(4) In this section, "Rotterdam Convention Annex III" means the list of chemicals set out in Annex III of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

Control of counterfeit products.

38. (1) A person commits an offence if that person adulterates, counterfeits, or offers for sale a pest control product or label or package for a pest control product.

(2) A person commits an offence if that person reuses a label or container or package of a registered product without authority from holder of the certificate of registration.

(3) A person who is convicted of an offence under subsection (1) or (2) shall be liable to a fine of not less than two million shillings and not exceeding ten million shillings, or a fine equal to five times the value of the counterfeited pest control product, whichever is higher, or to imprisonment for a term not exceeding seven years.

Designation of competent persons.

39. (1) The Board shall, with the assistance of the technical advisory committee appointed under section 26(8), designate competent institutions and researchers to conduct studies on pest control products on the Authority's behalf and shall publish the list of the designated institutions and researchers in the *Gazette*.

(2) The Board may suspend or cancel the designation of any institution or researcher which has or who has contravened or failed to comply with any provision of this Act.

(3) The suspension or cancellation of an institution or researcher designated under subsection (2) shall be notified in the *Gazette*.

(4) The Cabinet Secretary shall, in consultation with the Authority, prescribe, by Regulations, the procedures for the designation of institutions and researchers, their roles, rights and obligations, and fees payable to the Authority under this section.

(5) The designation of institutions or persons under this section shall take into account the East African Community guidelines on official recognition.

PART V—IMPORTATION, EXPORTATION AND RESEARCH

Control of imports and exports.

40. (1) No person shall import into, or sell any pest control product in Kenya unless that product has been registered, packaged and labelled in accordance with Regulations made under this Act.

(2) No person shall import any expired or obsolete pest control product.

(3) No person shall export or re-export out of Kenya any pest control product unless that person has complied with the relevant requirements specified in Regulations made under this Act.

(4) Any person taking possession or control of pest control products in transit through Kenya shall cause the products to be declared to the Authority at the ports of entry into and exit out of Kenya.

(5) Any person importing commodities treated with a pest control product shall ensure that the pest control product has not been banned or restricted for use in Kenya unless the Authority has authorised the use of that pest control product in respect of that commodity.

(6) Any person who imports an unregistered pest control product commits an offence and is liable on conviction to a fine of not less than one million shillings and not exceeding five million shillings, or to imprisonment for a term not exceeding two years, or both.

(7) Any person who contravenes subsections (2), (3), (4) or (5) commits an offence and is liable on conviction to a fine of not more than two million shillings, or to imprisonment for a term not exceeding two years, or both.

Control of manufacture, distribution, sale, and use of pest control products.

41. (1) No person shall—

(a) manufacture or formulate;

(b) store, distribute, use, display or sell;

(c) transport;

(d) possess; or

(e) advertise, package or label,

any pest control products except in accordance with conditions prescribed in Regulations under this Act.

(2) No person shall package, repackage, label or advertise any pest control product in a manner that is false, misleading or deceptive or is likely to create an erroneous impression regarding the pest control product's character, value, quality, composition, merit or safety.

(3) No person shall distribute, offer or display for sale or use any expired, unregistered or obsolete pest control product.

(4) Any person who manufactures a pest control product which is not registered under this Act commits an offence and is liable on conviction to a fine of not less than one million shillings and not exceeding five million shillings, or to imprisonment for a term not exceeding two years, or both.

(5) Any person who possesses, handles, stores, transports, distributes or uses a pest control product which is not registered under this Act commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or imprisonment of a term not exceeding two years or to both.

(6) Any person who uses a pest control product contrary to the label instructions commits an offense and is liable on a conviction to a fine not exceeding fifty thousand shillings or imprisonment of a term not exceeding six months, or both.

(7) Any person who contravenes subsection (2) and (3) commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.

Authorisation of research.

42. (1) A person who wishes to conduct research on an unregistered pest control product shall apply to the Authority for authorization for such research.

(2) An application for authorization under subsection (1) shall include any information required by the Authority, and shall be accompanied by the following—

(a) a copy of the proposed experimental label;

(b) a copy of the research protocol;

(c) information on any health and environmental risks likely to be posed by the proposed research; and

(d) any other information that the Authority may require.

(3) If the Authority considers that health and environmental risks identified under subsection (2) are manageable, the Authority may authorize the conduct of research on the pest control product including permitting the use of the pest control product in controlled conditions.

(4) Where the Authority authorizes the use of a pest control product to conduct research, the Authority shall issue a research authorization certificate subject to such conditions as may be necessary.

(5) This section shall not apply to research on an active ingredient or active agent of a pest control product derived from or isolated in Kenya for basic research.

(6) Any person who conducts research on an unregistered pest control product without authorization in accordance with this Act commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months, or both.

Local innovation and development of pest control products.

43. (1) The Authority shall establish measures to encourage and recognise local innovation in the development and management of pest control products.

(2) Any person who intends to commercialise any local innovation on the development and management of pest control products shall notify the Authority in writing.

Transportation of pest control products.

44. (1) No person shall transport, offer to transport or handle any pest control product, a mixture containing a pest control product, contaminated soil or a container that has been used to hold a pest control product unless the pest control product complies with this Act or Regulations made under this Act.

(2) Any person who contravenes the provisions of subsection (1) commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings

or to imprisonment for a term not exceeding six months or to both.

Control of disposal of pest control products.

45. (1) Each certified agro-dealer shall declare to the Authority stocks of obsolete and expired pest control products held by that dealer by the 31st December every year in accordance with regulations under this Act.

(2) The Cabinet Secretary shall make Regulations for—

(a) the disposal of obsolete and expired pest control products by agro-dealers; and

(b) collection from farmers and users of pest control products and disposal of used containers of pest control products by agro-dealers.

(3) Any person who contravenes the provisions of subsection (1) commits an offense and shall on conviction be liable to a fine not exceeding two hundred and fifty thousand shillings, or to imprisonment for a term not exceeding six months, or both.

Stock records.

46. Each person certified under this Part shall keep proper records as may be prescribed in Regulations made by the Cabinet Secretary in consultation with the Authority.

PART VI—MANUFACTURE, CERTIFICATION, TRANSPORTATION AND DISPOSAL OF PEST CONTROL PRODUCTS

Procedure for certification.

47. (1) Any person who intends to deal in pest control products shall apply to the Authority for a certificate in the prescribed form accompanied by the prescribed fee.

(2) The Authority shall evaluate the application, conduct inspection of the premises of the applicant and if satisfied issue the applicant with a certificate.

(3) The Cabinet Secretary shall, in consultations with the Authority, make Regulations for the better carrying out of the provisions of this section.

Classification of certificates.

48. (1) No person shall manufacture, formulate, repackage, distribute, retail, wholesale, sell, store, dispose, provide commercial spray services, offer pest control services, or be an agent of a dealer in pest control products, without a certificate issued by the Authority.

(2) The following certificates shall be issued under this Act—

(a) manufacturing certificate;

(b) formulator's certificate;

(c) re-packing certificate;

(d) distributor certificate;

(e) retailer's certificate;

(f) warehousing certificate;

(g) disposal certificate;

(h) pest control services certificate;

(i) commercial training certificate;

(j) commercial spray service provider's certificate;

(k) agency certificate;

(l) wholesaler's certificate; and

(m) storage and use certificate.

(3) The Cabinet Secretary shall, in consultation with the Authority, make Regulations for the better carrying out of the provisions of this section.

(4) The Authority shall keep and maintain register of persons issued with certificates under this section.

(5) Any person who contravenes provisions of subsection (1) commits an offence.

Conditions for certification of premises.

49. (1) No person shall use any premises or, being the owner or occupier thereof, permit or allow the premises to be used for the manufacture, formulating, packaging, selling or storing of pest control products in the course of a trade or business unless that person is in possession of certificate issued under this Act.

(2) No person shall offer an online platform for the sale, advertisement or marketing of pest control products unless that person ensures that persons using the platform are certified by the Authority and the pest control products are registered by the Authority in accordance with this Act.

(3) Any person who contravenes the provisions of subsection (1) or (2), commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding six months or both.

Commercial training in pest control products.

50. (1) No person shall undertake commercial training in relation to pest control products unless that person has been issued with a certificate by the Authority in accordance with the provisions of this Act.

(2) Any person who contravenes subsection (1) commits an offence.

(3) The Cabinet Secretary shall, in consultation with the Authority, make Regulations for the better carrying out of the provisions of this section.

Issue and expiry of certificate.

51. (1) Every certificate issued under this Act shall lapse on the 31st December following the date of issue and shall be renewable annually.

(2) A certificate issued under this Act shall not be transferable from one person to another or one premises to another.

(3) An application for renewal shall be submitted to the Authority on or before the 31st March of each year, and any application submitted after the 31st March shall be accompanied by a late fee as provided for in Regulations made by the Cabinet Secretary, in consultation with the Authority, in that regard.

Suspension and cancellation of a certificate.

52. (1) The Authority may suspend or revoke a certificate at any time if satisfied that the holder thereof has contravened or failed to comply with any provision of this Act or any condition to which the certificate is subject.

(2) An owner whose certificate has been suspended or revoked under this section may apply to the Authority for re-certification upon compliance with the provisions of this Act.

(3) Where the Authority intends to suspend or cancel a certificate, the Authority shall afford the holder of the certificate sufficient opportunity to make representations against the suspension or cancellation.

PART VII—LABORATORY ANALYTICAL SERVICES

Establishment, designation and authorization of laboratories.

53. (1) The Authority shall establish laboratories to undertake analysis of pest control products, residues in produce and environmental samples, monitor product quality for compliance and other analyses necessary for the Authority's functions under this Act.

(2) The laboratories designated under subsection (1) may be used to conduct research on pest control products and related articles regulated under this Act.

(3) The Authority laboratories shall be the designated laboratories to undertake analysis and testing for the performance of its functions under this Act.

(4) The Authority may charge fees for the services offered in its analytical laboratories.

(5) The Authority may authorize a public or private laboratory to undertake analytical services on behalf of the Authority under this section.

(6) A laboratory authorized under subsection (5) above shall provide on request all relevant information related to analytical services conducted for the purposes of this Act.

PART VIII—FINANCIAL PROVISIONS

Funds of the Authority.

54. The funds of the Authority shall consist of—

(a) monies appropriated by the National Assembly;

(b) such monies, fees and levies as may be payable to the Authority in accordance with this Act or any other written law;

(c) such monies or assets as may accrue to the Authority in the course of the exercise of its powers or the performance of its functions under this Act; and

(d) all monies from any other lawful source provided or donated or lent to the Authority.

Retention of surpluses.

55. The receipts, earnings or accruals of the Authority and the surplus balances at the end of each financial year shall be retained for the purposes for which the Authority is established.

Investment of surplus funds.

56. The Authority may invest any funds not immediately required for its purposes in such a manner as the Cabinet Secretary responsible for matters relating to finance may approve.

Financial year.

57. The financial year of the Authority shall be the period of twelve months ending on the 30th June in every year.

Annual estimates.

58. (1) At least three months before the commencement of each financial year, the Board shall cause to be prepared estimates of the revenue and expenditure of the Authority for that year.

(2) The annual estimates shall make provision for all the estimated expenditure of the Authority for the financial year concerned and in particular shall provide for the—

(a) payment for the infrastructural developments and provision of services;

(b) payment of salaries, allowances and other charges in respect of the staff of the Authority and the members of the Board;

(c) payment of pensions, gratuities and other charges in respect of retirement benefits which are payable out of the funds of the Authority;

(d) acquisition, maintenance, repair and replacement of the equipment and other movable property of the Authority; and creation of such funds to meet future or contingent liabilities in respect of benefits, insurance and the replacement of buildings or equipment.

(3) The annual estimates shall be approved by the Board at least two months before commencement of the financial year to which they relate and shall be submitted to the Cabinet Secretary for presentation before the National Assembly.

Accounts and audit.

Cap. 412A.

59. (1) The Authority shall keep proper books of account of the income, expenditure, assets and liabilities of the Authority, and shall in this regard be subject to the provisions of the Public Finance Management Act.

(2) The annual accounts of the Authority shall be audited and reported upon in accordance with the Public Audit Act. Cap. 412B.

Expenditure outside budget.

60. Any activity outside the approved budget shall only be undertaken with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance.

Financial and annual reports.

61. (1) The Authority shall ensure that its financial statements are prepared in accordance with the—

(a) Public Finance Management Act; and Cap. 412A.

(b) Public Audit Act. Cap. 412B.

(2) The Authority shall prepare an annual report for each financial year.

(3) The report of the Authority under subsection (2) shall, in respect of the financial year to which it relates, contain—

(a) the financial statements of the Authority;

(b) a description of the activities of the Authority;

(c) such other statistical information as the Authority considers appropriate relating to the Authority's functions; and

(d) any other information relating to its functions that the Authority considers necessary.

(4) The Authority shall publish and publicize the annual report in such accessible manner as it may consider appropriate.

Authority may borrow.

62. (1) The Authority may, with the approval of the Cabinet Secretary and the Cabinet Secretary responsible for matters relating to finance, borrow money required for the performance of its functions and for meeting its obligations.

(2) The approval under subsection (1) shall be given in writing and—

(a) may be general or limited to a particular transaction; and

(b) may be conditional or unconditional.

PART IX—MISCELLANEOUS PROVISIONS

Protection from personal liability.

63. (1) No matter or thing done by a member of the Board of the Authority or any officer, employee or confirmed agent of the Authority shall, if the matter or thing is done in good faith for executing the functions, powers or duties of the Authority, render the member, officer, employee or agent or any person acting on his directions personally liable to any action, claim or demand whatsoever.

(2) The provisions of subsection (1) shall not relieve the Authority of the liability to pay compensation or damages to any person for an injury to him his property or any of his interest caused by the exercise of the powers conferred on the Authority by this Act or by any other written law or by the failure, whether wholly or partially, of any works.

Confidentiality

64. Any person who, in the exercise of any power or performance of any function conferred by this Act, discloses confidential information to an unauthorised person, except for the purpose of the exercise of his or her powers or performance of his or her functions or when required to do so by a court or under any written law, commits an offence.

Passing confidential information without authorization.

65. Any person who—

(a) being in possession of confidential information obtained in accordance with this Act—

(i) divulges such information; or

(ii) attempts, offers or threatens to divulge such information; or

(b) willfully obtains or seeks to obtain confidential information to which that person is not entitled,

commits an offence and is liable on conviction to a fine not exceeding two hundred and fifty thousand shillings or to imprisonment for a term not exceeding two years or to both.

Vicarious liability.

66. In any prosecution for an offence under this Act, it shall be sufficient proof of the offence to establish that it was committed by an employee or agent of the accused, whether or not the employee or agent is identified or has been prosecuted for the offence, unless the accused establishes that the offence was committed without his or her knowledge or consent and that he or she exercised all due diligence to prevent its commission.

Health and environment incident reporting.

67. (1) Each user of or dealer in pest control products shall report any health and environmental incident involving a pest control product to the Authority.

(2) Any person who, in undertaking any activity involving a pest control product, causes a risk of imminent death or bodily harm to another person or animals or harm to the environment by—

(a) transporting, handling or storing pest control products in contravention to the provisions of this Act and Regulations made under this Act;

(b) using pest control products for purposes and manner not prescribed in the label;

(c) disposing of pest control products in contravention of provisions of this Act and Regulations made under this Act; and

(d) knowingly or unknowingly exposing other persons, animals or the environment,

commits an offence.

(3) Any person who commits an offence under subsection (2) is liable on conviction to a fine of not exceeding five hundred thousand shillings or to imprisonment for a term of not exceeding two years, or both.

General penalty.

68. A person who contravenes any provision of this Act or commits an offence for which no penalty is prescribed, shall be liable, on conviction, to a fine not exceeding thirty thousand shillings, or to imprisonment for a period not exceeding one year, or to both.

Regulations.

69. (1) The Cabinet Secretary may, in consultation with the Authority, make Regulations generally for the better carrying out of the purpose and provisions of this Act.

(2) Without prejudice to the generality of subsection (1), the Cabinet Secretary the Regulations may provide for the following--

(a) the forms in which applications for certification shall be made, premises in which any pest control products are handled by manufacturers or dealers, the information to be provided and conditions to be furnished therewith;

(b) the form in which application for registration and re-registration of pest control products and information to be provided and conditions furnished thereof;

(c) conditions for emergency use authorization;

(d) authorization for research on pest control products;

(e) procedures for suspension and revocation of premises and business certificates and certificates for registration of pest control products;

(f) fees to be paid under this Act;

(g) procedures for appointment, membership, roles and responsibilities of the technical advisory committee;

(h) conditions for banning and restricting pest control products;

(i) relating to the management of accidents involving pest control products and their wastes;

(j) the conditions for certification of commercial spray service providers and pest control operators;

(k) the conditions for certification of commercial trainers on pest control products;

(l) notification of poisoning associated with pest control products;

(m)the manufacture, storage, distribution, transportation, display and use of any pest control product;

(n) the form, composition, and all other standards relating to the safe use of pest control products, including toxic residue effects;

(o) the manufacture, denaturation or testing of any pest control product to facilitate its recognition by change in colouration or other means;

(p) the standards for efficacy and safety of any pest control product;

(q) standards for designating competent persons to conduct studies on pest control products;

(r) the packaging, labeling and advertising of pest control products;

(s) the disposal of pest control products and associated waste;

(t) the taking of samples and the making analyses for the purposes of this Act;

(u) the conditions under which pest control products maybe imported, exported or re-exported;

(v) the circumstances and manner of trans-boundary movement of hazardous wastes of pest control products;

(w) relating to the transit and value addition of pest control products for export; and

(x) requirements for appointment of inspectors under this Act.

Act to prevail.

70. (1) Notwithstanding the provisions of any other written law relating to pest control products, all matters relating to pest control products shall be administered and regulated in accordance with this Act.

(2) If any conflict arises between the provisions of this Act and any other written law with respect to the regulation of pest control products, the provisions of this Act shall prevail.

PART X—REPEAL, SAVINGS AND TRANSITIONAL PROVISIONS

Repeal. Cap. 346.

71. (1) The Pest Control Products Act is repealed.

(2) Notwithstanding subsection (1) the transitional and savings provisions set out in the Second Schedule shall have effect on the commencement of this Act.

Savings.

72. All premises and business licenses, permits, certificates and other authorizations in force immediately before the commencement of this Act shall upon such commencement continue in operation until their expiry, and shall thereafter be renewed in accordance with this Act.

Transitional provisions.

73. The Second Schedule shall apply to transitional matters relating to the repeal of the repealed Act and commencement of this Act.

FIRST SCHEDULE (s. 15)

CONDUCT OF THE BUSINESS AND AFFAIRS OF THE BOARD OF THE AUTHORITY

Meetings of the Board

1. (1) The Board shall meet at least four times in every financial year and not more than three months shall elapse between the date of one meeting and the date of the next meeting.

(2) Despite subparagraph (1), the Chairperson may, or on request in writing by at least five members, convene a special meeting of the Board at any time for the transaction of the business of the Board.

(3) Unless three-quarters of the total members of the Board otherwise agree, at least ten days' written notice of every meeting of the Board shall be given to every member of the Board.

Quorum

2. The quorum for a meeting of the Board shall be five persons.

Chairperson to preside

3. The Chairperson shall preside over all meetings of the Board, and in the absence of the Chairperson, the members present may elect one of the members to act as Chairperson for purposes of the meeting.

Conflict of interest.

4. (1) No member of the Board shall take part in the discussion of or taking a decision on any matter in which that member or any of the member's relations has an interest.

(2) In any meeting where subparagraph (1) applies, every member referred to therein shall inform the meeting of any person or other direct interest, and to the extent that the discussion or decision concerns any matter in which such member has an interest, such member shall be excluded from further attendance at that meeting.

Voting.

5. The decisions of the Board shall be carried by a majority of the members present and voting and in the case of a tie the Chairperson or person presiding shall have a casting vote.

Procedure

6. The procedure for the Board shall be guided by the Code of Governance for State Corporations or any other approved code of conduct issued by the Government in this regard.

SECOND SCHEDULE (s. 71(2))

TRANSITIONAL AND SAVING PROVISIONS

1. In this Schedule—

"former Act" means the Pest Control Products Act repealed by section 67(1) of this Act;

"former office" means the Pest Control Board's Office existing immediately before the commencement of this Act.

2. Where a pest control product was registered in Kenya under the former Act or where it was saved under that Act, and the privileges and rights conferred by the registration were effective immediately before the commencement of this Act, then, subject to this Schedule—

(a) the registration of such pest control product shall be treated in Kenya as if it had been granted under this Act;

(b) the privileges and rights attending such registration shall expire at the time they would have expired if this Act had not been enacted;

(c) registration of such a pest control product may be revoked or invalidated only where those privileges and rights could be declared as not having been acquired in Kenya if this Act had not been enacted.

(d) the certificate of registration, or a certified copy of registration of such pest control product, shall be admissible as prima facie evidence of the date and the fact of registration; and

(e) an action for infringement of such pest control product shall lie under this Act only if the alleged infringement occurred on or after the commencement of this Act, and in other cases may be instituted and disposed of as if this Act had not been enacted.

3. As far as is necessary for the purposes of paragraph 2, the Register of Pest Control Product under the former Act shall continue to be maintained and shall be deemed to be part of the register established under this Act.

4. Applications for registration of pest control products in Kenya between the date of the commencement of the former Act and the date of the commencement of this Act, shall be processed in accordance with the provisions of this Act and shall retain or be accorded the filing date or validly claimed priority date which was or would have been accorded under the former Act.

5. All the funds, assets and other property, movable and immovable, which immediately before the coming into operation of this Act, were held by the Government on behalf of the former Office shall, by virtue of this paragraph and without further assurance, vest in the Authority.

6. Every public officer having the power or duty to effect or amend any entry in register relating to registering of a pest control product, or to issue or amend any certificate or other document effecting or evidencing title to registering of a pest control product, shall, without payment of any fee or other charge and upon request by or on behalf of the Authority, do all such things as are by law necessary to give final effect to the transfer of any property mentioned in paragraph 5 to the Authority.

7. All rights, powers, liabilities and duties, whether arising under any written law or otherwise, which immediately before the coming into operation of this Act were vested in, imposed on or enforceable by or against the Government in respect of the former Office shall by virtue of this paragraph, be transferred to, vested in, imposed on, or be enforceable by or against the Authority.

8. On and after the coming into operation of this Act, all actions, suits or legal proceedings by or against the Government pending in respect of the former Office shall be carried on or prosecuted by or against the Authority and no such suit, action on legal proceedings shall abate or be affected by the coming into operation of this Act.

9. The annual estimates approved for the former Office in respect of the financial year in which this Act comes into operation shall be deemed to be annual estimates of the Authority for the remainder of the financial year but those estimates may be varied by the Authority in such manner as the Cabinet Secretary and the treasury may approve.

10. (1) Any person who is an officer or employee of the former office immediately before coming into operation of this Act shall be deemed to be an officer or employee of the Authority:

(2) Any officer or employee who does not exercise his option under this subparagraph (1) shall be deemed to have been seconded to the Authority for a further period of twelve months at expiry of which such officer or employee may exercise the option as provided or be redeployed elsewhere in the Public Service.

(3) The terms and conditions of the contract referred to in subparagraph (1) shall not be to the disadvantage of the employee exercising the option.

MEMORANDUM OF OBJECTS AND REASONS

The principal object of the Pest Control Products Bill, 2025, is to regulate the importation, exportation, manufacture, acquisition, distribution, advertising, use and disposal of products used for the control of pests and organic function of plants; to establish and provide for the powers and functions of the Pest Control Products Authority; and for connected purposes.

Part I of the Bill (clauses 1 to 5) deals with preliminary matters including the short title, the definitions of key terms used in the Bill, the scope of the application of the Bill, the purposes of the Bill, and the guiding principles.

Part II of the Bill (clauses 6 to 18) makes provision with respect to the establishment, headquarters, and functions of the Pest Control products Authority; the composition and powers of the Board of Directors of the Authority; the qualifications and appointment of the Chairperson of the Board; the procedure for the filling of a vacancy in the Board; the common seal of the Board; the conduct of the business and affairs of the Board; the remuneration of the members of the Board; and the appointment of the Managing Director and staff of the Authority.

Part III of the Bill (clauses 19 to 25) deals with the appointment and designation of inspectors, and their powers and roles. Part III also provides for the appointment of analysts, their functions, the role of county governments, the role of inspectors appointed by county governments, the powers of inspectors to seize pest control products, and the applicable procedure on the forfeiture and disposal of seized pest control products.

Part IV of the Bill (clauses 26 to 39) deals with the registration of pest control products. Part IV provides for the keeping and maintenance of a register of pest control products; the procedure for registration and renewal of registration of pest control products; the procedure for the classification of pest control products; the application of certain East African Community Guidelines; the manufacturing of pest control products for re-export; the prohibition on the sale or use unregistered pest control products; and the prohibition of the provision of false or misleading information relating to pest control products.

Part IV of the Bill also provides for the procedure for the cancellation of registration; the procedure for the banning and restriction of pest control products; the power to control the counterfeit products; and the designation of competent persons to conduct research and studies on pest control products.

Part V of the Bill (clauses 40 to 46) provides for importation, exportation and research into pest control products. Part V provides for the manner of controlling import and export of pest control products into and out of Kenya; the manufacture, distribution, sale and use of pest control products; the procedure for authorisation of research in pest control products; the role of the Authority in encouraging local innovation and development of pest control products; transportation of pest control products in Kenya; the process of safely disposing of pest control products; and the requirement to maintain stock records by certified persons.

Part VI of the Bill (clauses 47 to 52) deals with the manufacture, certification, transportation and disposal of pest control products. It sets out the procedure for certification; the issuance of classification certificates; the conditions necessary for the certification of premises under the Act; commercial training in pest control products; the issuance and expiry of certificates; and the procedure for the suspension or cancellation of certificates.

Part VII of the Bill (clause 53) deals with the establishment, designation and authorisation of laboratories by the Authority.

Part VIII of the Bill (clauses 54 to 62) deals with financial matters relating to the Authority including the sources of its funds; the retention of surpluses; the investment of surplus funds; the financial year of the Authority; the budget process for the Authority; the preparation and submission of annual financial and non-financial reports; and the power of the Authority to borrow money.

Part IX of the Bill (clauses 63 to 70) deals with miscellaneous matters including the protection from personal liability of members of the Board, and officers and staff of the Authority, in the performance of their functions or exercise of their powers under the Act; the duty of confidentiality; the penalty for unauthorised disclosure of confidential information; the manner of reporting of health and environmental incidents involving pest control products; a general penalty; the power to make Regulations; and that the Act shall prevail in any conflict with any other written law on any matter regarding pest control products.

Part X of the Bill (clauses 71 to 73) deals with the repeal of the Pest Control Products Act (Cap. 346) and savings and transitional matters.

The **First Schedule to the Bill** makes specific provisions for the conduct of the Business and affairs of the Board, while the **Second Schedule** deals with transitional matters.

Statement on the delegated powers and limitation of fundamental rights and freedoms

The Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to pest control to make regulations for the better carrying into effects of its provisions but does not limit any fundamental rights and freedoms.

Statement on whether the Bill concerns county governments

The Bill affects the functions of the county government as it deals with the functions of Agriculture assigned to county governments under paragraph 1of part 2 of the First Schedule to the Constitution.

Statement on whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of the Bill may occasion expenditure of public funds.

Dated the 7th October, 2025.

KIMANI ICHUNG'WA,
Leader of the Majority Party, National Assembly.

Annexure 5: **Letter Inviting Stakeholders for a Meeting with the Committee**

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OFFICE OF THE CLERK

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When replying, please quote
Ref: NA/DDC/A&L/2026 (055)

26th June, 2026

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Managing Director
Kenya Bureau of Standards (KEBS)
Popo Road, off Mombasa Road
NAIROBI

Mr. Adan Mohamed, EGH
Commissioner General
Kenya Revenue Authority
Times Tower Building, Haile Selassie Avenue
NAIROBI

Prof. Theophilus M. Mutui, PhD
Chief Executive Officer
Kenya Plant Health Inspectorate Service
Ngong Road
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Mr. Clement Tulezi
Chief Executive Officer
Kenya Flower Council
Miotoni Road, Karen
NAIROBI

Mr. Patrick K. Ketiem
Director General, Kenya Agricultural and
Livestock Research Organization
Kaptagat Road, Loresho
NAIROBI

Dear Prof Mutui

REF: STAKEHOLDER ENGAGEMENT BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK ON THE PEST CONTROL PRODUCTS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2025).

The Departmental Committee on Agriculture and Livestock is established pursuant to Standing Order 216 which mandates it, among others, "**to study and review all legislation referred to it.**"

Pursuant to this mandate, the Committee is currently considering the Pest Control Products Bill (National Assembly Bill No. 48 of 2025) (**copy attached**). The Bill seeks to regulate the importation, exportation, manufacture, acquisition, distribution, advertising, use and disposal of products used for the control of pests and the organic function of plants; to establish and provide for the powers and functions of the Pest Control Products Authority; and for connected purposes.

In compliance with the provisions of Article 118(1)(b) of the Constitution, the Committee invites you to a stakeholder engagement to deliberate on the said Bill. The meeting is scheduled for **Thursday, 2nd July 2026**, at **10:00 am** in **Bunge Tower, 5th Floor, Room 24, Parliament Buildings**

You are kindly requested to send electronic copies of your submission to the Committee through the underlisted email by **Wednesday, 1st July 2026** and appear before the Committee with fifteen (15) hard copies of the same.

The liaison officer on this matter is **Mr. Dennis Mogare, Head of Department (Productive Sector) / Head of the Committee Secretariat,** who may be contacted on Tel. No. **0721479162** or Email: dennis.ogechi@parliament.go.ke

Yours

JEREMIAH W. NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copies to:

Hon. Sen. Mutahi Kagwe, EGH
Cabinet Secretary
Ministry of Agriculture & Livestock Development
Kilimo House, Cathedral Road
NAIROBI.

CPA. Dr. Aurelia Chepkirui Rono, CBS
Principal Secretary, State Department for Parliamentary Affairs
Office of the Prime Cabinet Secretary
National Treasury Building
NAIROBI

Annexure 6: Stakeholder Submissions

PEST CONTROL PRODUCTS BOARD

(A Statutory Organization of Government)

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Mobile: 0720 480 904/0735 778 743

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Website: www.pcpb.go.ke

Your Ref: .....
Ou Ref: PCPB/1/VOL.III/25-26/020

Date: 1st July, 2026

Dennis Mogare
Head of Department (Productive Sector)/
Head of the Committee Secretariat
P. O. Box 41842 - 00100
NAIROBI
dennis.ogechi@parliament.go.ke

RE: STAKEHOLDER ENGAGEMENT BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK ON THE PEST CONTROL PRODUCT BILL (NATIONAL ASSEMBLY BILL NO.48 OF 2025)

We refer to your letter Ref. NA/DDC/A&L/2026(055) dated 26th June 2026.

Attached, please find fifteen (15) copies of our submission to the Committee as required.

Kindly acknowledge receipt.

Fredrick N. Muchiri
CHIEF EXECUTIVE/SECRETARY

PEST CONTROL PRODUCTS BOARD

COMMENTS ON PEST CONTROL PRODUCTS BILL 2025

Reference is made to the letter from the Clerk of the National Assembly Ref NA/DDC/A&L/2026 (055) on the above subject dated 26th June 2026. The Pest Control Products Board appreciates the progress made on the PCP bill and would like to comment as follows:

1. Introduction

The main objective of the Pest Control Products Bill, 2025 is to repeal and replace the Pest Control Products Act (Chapter 346 of the Laws of Kenya of 1982) in order to address legal gaps and emerging issues in the pesticide industry. The Bill will safeguard human health and the environment from risks associated with pest control products; provide for the issuance, suspension and cancellation of licenses and permits; facilitate research into pest control products; and regulate all matters related to pest control products. The Bill aligns with the global best practices on pesticide regulations.

A robust legal and regulatory framework and effective regulation of the pest control products industry is critical to contributing to a clean and secure environment for Kenyans to live and work in as envisaged in Kenya Vision 2030 and Article 42 of the Constitution.

2. Current legislative frame work

The Pest Control Products Act CAP 346 was enacted in 1982, (over 40 years ago) before the State Corporation Act and did not provide for body corporate status. This has resulted in a number of challenges especially on agency classification and staff recruitment/retention. The Act is weak in addressing emerging

modern practices along the pesticide distribution and utilization chain. In particular, the Act is weak on domestic consumer, environmental protection and in facilitating export market access for Kenya's agricultural produce. This has led to less effective regulation of the pesticide industry.

3. Request to the parliament

Parliament is invited to Consider, fast-track and approve for further processing the Pest Control Products Bill, 2025.

4. Comments on the Proposed bill

A few minor comments on the proposed bill are highlighted in the table below:

5. Matrix for analysis and comments

No.	Clause	Description of the clause	Observation	Proposal	Justification
1.	Introduce a New Subsection 6(3)	New subsection	PCPB is currently the Designated National Authority (DNA) in various Multilateral Environmental Agreements (MEAs) on pesticides and represents Kenya in the technical committees and Conference of parties on the MEAS.	Introduce a New Subsection 6(3)— The Authority shall be the Designated National Authority (DNA) on matters pest control products	This will mandate the Authority to proactively issue statements on the official position on pest control products

No.	Clause	Description of the clause	Observation	Proposal	Justification
2.	11(b)	A person shall be qualified to be appointed as the chairperson of the Board if that person – (b) has at least 10 years' experience in a relevant scientific field; and	Apart from scientists, there could be other potential professionals who can contribute to the advancement of the authority	To delete the words "scientific field" and replace with "Public administration" to read— (b) has at least 10 years' experience in public administration	The provisions limit other experienced candidates
3.	23(c) & (f)	Repeated	They are the same in content	Delete (f)	To avoid repetition
4.	69(2)	Without prejudice to the generality of subsection (1), the Cabinet Secretary the regulations may provide for the following--	The clause is not flowing well	To delete the words "the Cabinet Secretary" so as to read— Without prejudice to the generality of subsection (1), the regulations may provide for the following-	To make it flow
5.	69(2) below (r)	New clause below (r)	Provision for application of pest control products using equipment is missing	Introduce a new clause (s) to read—	To provide for the CS to make regulations on use of drones and other

No.	Clause	Description of the clause	Observation	Proposal	Justification
				The application of pest control products using application equipment	equipment for applying PCPs to enhance safety to human health and the environment. This will be done in consultation with the Kenya Civil Aviation Authority and other relevant stakeholders.

PEST CONTROL PRODUCTS BOARD (2)

(A Statutory Organization of Government)

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Mobile: 0720 480 904/0735 778 743

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Email: info@pcpb.go.ke
md@pcpb.go.ke
Website: www.pcpb.go.ke

Your Ref: .....
Ou Ref: PCPB/1/Vol.III/25-26/021

Date: 3rd July, 2026

Dennis Mogare
Head of Department (Productive Sector)
Head of the Committee Secretariat
P. O. Box 41842-00100
NAIROBI
dennis.ogechi@parliament.go.ke

RE: COMMENTS ON PEST CONTROL PRODUCTS BILL 2025

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A robust legal and regulatory framework and effective regulation of the pest control products industry is critical to contributing to a clean and secure environment for Kenyans to live and work in as envisaged in Kenya Vision 2030 and Article 42 of the Constitution.

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No.	Clause	Description of the clause	Observation	Proposal	Justification
2.	11(b)	A person shall be qualified to be appointed as the chairperson of the Board if that person – (b) has at least 10 years experience in a relevant scientific field; and	Apart from scientists, there could be other potential professionals who can contribute to the advancement of the authority	To delete the word "scientific" to read— (b) has at least 10 years experience in a relevant field; and.	The provisions limits other relevant candidates
3.	69(2)	Without prejudice to the generality of subsection (1), the Cabinet Secretary the regulations may provide for the following--	The clause is not flowing well	To delete the words "the Cabinet Secretary" so as to read— Without prejudice to the generality of subsection (1), the regulations may provide for the following--	To make it flow

No.	Clause	Description of the clause	Observation	Proposal	Justification
4.	69(2) below (r)	New clause below (r)	Provision for application of pest control products using equipment is missing	Introduce a new clause (s) to read— The application of pest control products using application equipment	To provide for the CS to make regulations on use of drones and other equipment for applying PCPs to enhance safety to human health and the environment. This will be done in consultation with the Kenya Civil Aviation Authority and other relevant stakeholders.

NB The following new development should be considered following the assertion of the **Food and Feed Safety Control Co-ordination Act No. 21 of 2026** to establish the Office of the Food Safety Controller; **PURPOSE**: to provide for the role of County Governments in food and feed safety; and for connected purposes. First Schedule PCPB is recognized as one of the eleven (11) competent authorities. *Date of Assent: 23rd June, 2026; Date of Commencement: 10th July, 2026*

Area & proposal	Comments
PCPB	
2: include definition "Controller" means the Food Safety Controller appointed under the Food and Feed Safety Control Co-ordination Act; "multi-annual control plan" has the meaning assigned to it under section 2 of the Food and Feed Safety Control Co-ordination Act.	
8(h) insert the following (ha) to conduct audits of the traceability mechanisms established by a person who deals in pest control products;	

Area & proposal	Comments
(hb) to implement the multi-annual control plan in the performance of its functions.	
8 insert 8A 8A "Role of the Controller" 8A. (1) Where the Board determines that there is an overlap in its functions and the functions of any public institution in relation to food safety or feed safety, the Board may request the Controller to advise. (2) Where a conflict arises between the Board and any other public institution in the execution of its functions in relation to food safety or feed safety, the Board may request the Controller to advise. (3) The Controller shall conduct an audit on the mechanisms for food safety established by the Board to verify that the Board has established a system for the effective official control for food safety or feed safety	
Define "**Registration**": means the process whereby the Authority approves the sale and use of a pest control product following the evaluation of scientific data aimed at demonstrating that the product is effective for its intended purposes and does not pose an unacceptable risk to human or animal health or the environment under the conditions of use under this Act;	amend 8(b) by replacing "register" with "registration"

Fredrick N. Muchiri
CHIEF EXECUTIVE OFFICER/SECRETARY

Kenya Bureau of Standards
Standards for quality life

RESTRICTED

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Certified to;
QMS - ISO 9001
ISMS - ISO/IEC 27001
BCMS - ISO 22301
ABMS - ISO 37001

Our Ref: KEBS/LEG/1/1

Date: 1st July 2026

Mr. Samuel Njoroge, CBS
Clerk of The National Assembly
Parliament Buildings
P.O. Box 41842 - 00100
NAIROBI

Dear Clerk,

RE: SUBMISSION OF FEEDBACK ON THE PEST CONTROL PRODUCTS BILL, 2025 (NATIONAL ASSEMBLY BILL NO. 48 OF 2025) TO THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

Reference is made to the above subject matter and your letter dated 26th June 2026 Ref: NA/DDC/A&L/2026 (055)

.

We have reviewed the Pest Control Products Bill, 2025 and hereby submit our formal comments, presented in the attached matrix, for the Committee's consideration.

KEBS remains available to provide any further clarifications that the Committee may require.

Yours faithfully,

Dr. Geoffrey Muriira, Ph.D
For: MANAGING DIRECTOR

Encl.

COMMENTS ON THE PEST CONTROL PRODUCTS BILL, 2025

Bill	The Pest Control Products Bill, 2025 (Kenya Gazette Supplement No. 184, National Assembly Bills No. 48), gazetted 3rd November 2025

STAKEHOLDER INFORMATION

Name of Individual / Organization:	**KENYA BUREAU OF STANDARDS (KEBS)**		
Contact Person (if applicable):	ESTHER NGARI, EBS; MANAGING DIRECTOR		
Email:	md@kebs.org; info@kebs.org	Phone: Tel: + 254 (20) 694 8000	Mobile: 0722 202 137/ 0722 202 138
Postal Address	54974-00200 NAIROBI	**Location (City / Town):**	NAIROBI
Sector/ Industry Represented: *(If not Individual)*	Public Sector/National Quality Infrastructure		

MEMORANDA SUBMISSIONS

NO.	SECTION / SCHEDULE REFERENCE	ISSUE IDENTIFIED	PROPOSED CHANGE	JUSTIFICATION
1	**Clause 8(d)**	The clause empowers the proposed Authority to "prescribe and oversee the enforcement of standards and regulations in respect of pest control products,"	Define 'Standards' in Section 2 to mean: 'Standards means a Kenya Standards declared under the Standards Act, Cap 496.	Development of standards has been exhaustively covered under the Standards Act, Cap 496. Section 9 of the Standards Act designates the Kenya Bureau of Standards (KEBS) as

NO.	SECTION / SCHEDULE REFERENCE	ISSUE IDENTIFIED	PROPOSED CHANGE	JUSTIFICATION
		It however does not indicate the body responsible for development of the Standards, neither does the definition section provide clarification on what a 'Standard' is. Section 10 of the standards act gives the National Standards Council power to declare Kenya standards		the National Standards Body, and Section 10 vests the National Standards Council with the exclusive power to declare Kenya Standards. Retaining this position and cross-referencing it in the Bill assists in regulatory certainty, since KEBS is the National Standards Body recognized both domestically and internationally (including as Kenya's national enquiry point under the WTO Agreement on Technical Barriers to Trade). Allowing the Authority to independently "prescribe" standards, without anchoring the term to the Standards Act, risks the emergence of two parallel and potentially inconsistent sets of technical requirements (e.g., on composition, packaging, or residue limits) for the same class of products – one gazetted by the National Standards Council and one made under this Bill's Regulations. This would increase compliance costs for manufacturers and traders, create confusion for enforcement officers and courts, and expose Kenya to the risk of non-compliance with its WTO TBT

NO.	SECTION / SCHEDULE REFERENCE	ISSUE IDENTIFIED	PROPOSED CHANGE	JUSTIFICATION
				obligation to avoid unnecessary technical barriers to trade arising from unharmonized domestic standards. Defining "Standards" by direct reference to the Standards Act closes this gap without removing the Authority's legitimate role in risk assessment, registration, and enforcement of pest control specific requirements.
2	**Clause 9 (2)**	The membership of the Board of Directors of the Authority has excluded the Director of the Kenya Bureau of Standards, a position which exists in the Pest Controls Products Act, Cap 346	Include the Director of the Kenya Bureau of Standards in the membership of Board of Directors	The Pest Control Products Act, Cap 346, that is proposed to be repealed, expressly provides for representation of KEBS on the Pest Control Products Board, in recognition of the close functional relationship between product standardization and pest control product regulation. Clause 9(2) of the Bill omits this seat entirely, notwithstanding that Clause 8(d) confers on the same Authority the function of prescribing and enforcing standards – a function that properly sits with KEBS under the Standards Act. Board-level representation is the practical mechanism by which technical standard-setting decisions taken by the Authority (including

NO.	SECTION / SCHEDULE REFERENCE	ISSUE IDENTIFIED	PROPOSED CHANGE	JUSTIFICATION
				registration conditions, classification, packaging, and labelling requirements) can be tested against, and harmonized with, existing Kenya Standards before they are adopted, rather than being reconciled after the fact through litigation or conflicting enforcement action. Including the KEBS Director is consistent with the "whole of government" and coordinated regulatory approach that the Bill itself commits to under its guiding principles in Clause 5 (national values of governance under Article 10 and the values of public service under Article 232 of the Constitution
3	**Clause 28 (3)**	The Clause empowers the Authority to "assign a mark of quality registered pest control products". Section 10 of the Standards Act empowers the National Standards Council to gazette a standardization mark for inter alia, application to products that have met the relevant standard	Delete this clause	This duplicates KEBS's function of issuing the Standardization Mark and the Diamond Mark of Quality under Section 10 of the Standards Act. Both marks are well recognized by consumers, traders, and regulators in Kenya and across the East African region as the official indicator that a product has met the relevant Kenya or East African Standard.

NO.	SECTION / SCHEDULE REFERENCE	ISSUE IDENTIFIED	PROPOSED CHANGE	JUSTIFICATION
				Two competing "quality marks" for the same product category would confuse consumers and traders, weaken consumer confidence in either mark, and undermine KEBS's role as the single national quality-marking body – a role that underpins Kenya's National Quality Policy and its National Quality Infrastructure system. A second, statute-specific quality mark would also complicate market surveillance and counterfeit enforcement: inspectors, courts, and consumers would need to distinguish between two legitimate marks on the same class of goods. Deleting Clause 28(3) removes this risk at no loss of consumer protection, since the existing Standardization Mark already serves this purpose for registered products.

Signed by:

Dr. Geoffrey Muriira, Ph.D.
For: MANAGING DIRECTOR

(2) Dennis Ogachi - HOD
Deal
3/7/26

(1) DDC
2/7/26

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

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NEMA/7/7/Vol.III

1st July 2026

Jeremiah W. Ndombi, MBS
Clerk of the National Assembly
Office of The Clerk
The National Assembly
P O Box 41842 – 00100
NAIROBI

Dear Sir

RE: STAKEHOLDER ENGAGEMENT BY THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK ON THE PEST CONTROL PRODUCTS BILL (NATIONAL ASSEMBLY BILL. NO. 48 OF 2025)

Your letter **Ref: NA/DDC/A&L/2026 (055)** dated **26th June 2026** on the above subject matter refers.

Forwarded herewith kindly find the National Environment Management Authority's submission on the same. Further I wish to inform you that due to unavoidable circumstances, the Director General – NEMA will be represented by **Mr. David Ongare, Director Environmental Compliance.** The Authority's Head of Legal Services Ms. Emma Lisanza will also attend.

Thanking you for the continued support.

Yours Faithfully

MAMO B. MAMO, PhD, EBS
DIRECTOR GENERAL

OFFICE OF THE CLERK OF DEPARTMENTAL COMMITTEES
RECEIVED
03 JUL 2026

NATIONAL ASSEMBLY
RECEIVED
02 JUL 2026
CLERK'S OFFICE
P. O. Box 41842, NAIROBI.

NEMA'S SUBMISSION TO THE NATIONAL ASSEMBLY'S DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK ON THE PEST CONTROL PRODUCTS BILL (NATIONAL ASSEMBLY BILL NO. 48 OF 2025

Introduction

The Bill seeks to regulate the importation, exportation, manufacture, acquisition, distribution, advertising, use and disposal of products used for control of pests and organic function of plants.

The Bill seeks to establish and provide for the powers and functions of the Pest Control Products Authority, and for connected purposes.

Once made law, the Pest Control Products Act shall be repealed.

General Observations

The Bill seems to deviate from regulation of "Pesticides" as previously contained in the Pest Control Products Act but now includes or expand its scope to regulating certain aspects in the environment which presents potential future conflicts with EMCA and its regulations, and the Sustainable Waste Management Act of 2020.

The proposed Pest Control Products Bill 2025, in section 3 duplicates the National Environment Management Authority's (NEMA) function under Section 94 of the Environmental Management and Coordination Act (EMCA) Cap 387 by stripping NEMA of pre-existing mandate in registration of pesticides and toxic substances.

COMPARATIVE ANALYSIS

1. **Mandate of the Pest Control Products Authority (PCPA) vis a viz NEMA's Mandate**

Section 3 and 4 of the proposed bill i.e. the Pest Control Products Bill (PCPB) 2025 proposes to introduce legislation within a sector that's already being regulated by NEMA.

Furthermore, one of the proposed purposes of PCP Bill is to ***"safeguard human health and the environment from risks associated with pest control products"*** **(See Section 4 of PCP Bill)** a function already being undertaken by both NEMA

and the Ministry of Public Health. Enactment of this law would essentially usurp NEMA's mandate consequently plunging the sector into a conflict of laws, an issue Kenya continues to grapple with especially matters environment.

Furthermore, good practice dictates that prior to submission of a bill to parliament, the sponsor of the bill ought to conduct a Regulatory Impact Statement (RIS) to satisfy oneself that there exists a regulation lacuna which can only be cured by the proposed regulations. Unfortunately in this case it is evident that no such gap was identified as most of the provisions of the PCP Bill have already been addressed under EMCA or its enabling regulations.

2. Certification/Registration of Pesticides

To further demonstrate the potential conflict of laws should this bill be enacted into law; **Section 21(d) of the PCP Bill 2025** proposes to empower the PCP Authority to *"inspect and issue certificates to pest control products business operators upon compliance with the Act or regulations made thereunder;"*

Whereas

EMCA in Section 97 already pronounces itself on registration of pesticides and toxic substances;

Section 97 of EMCA

1. The Authority may, upon application, register a pesticide or toxic substance subject to such existing conditions and any other conditions that the Authority may determine.
2. Every pesticide or toxic substance shall be registered for ten years unless some other period is specified by the Authority, and may be renewed for a like period.
3. Where the Authority refuses to register any pesticide or toxic substance, the notice of refusal shall state the reasons for such refusal.

3. Seizure of Pesticides and Toxic Substances

Section 25 of PCP Bill 2025 outlines the procedure for seizure, forfeiture and disposal of pest control products by PCP Authority.

Whereas

NEMA in Section 99 of EMCA has already empowered its environmental inspectors to exercise the said enforcement actions.

Section 99 of EMCA; Seizure of pesticides and toxic substances

1. Any pesticide or toxic substance which the Authority reasonably suspects to be the subject matter of an offence under this Act shall be liable to seizure by the Authority.
2. Whenever any pesticide or toxic substance is seized under subsection (1), the Authority shall serve a notice of seizure on the owner of the pesticide or toxic Substance as soon as practicable.
3. Where any pesticide or toxic substance is seized under this section, the pesticide or toxic substance shall be placed under the custody of the Authority.
4. Any pesticide or toxic substance placed under the custody of the Authority under subsection (3) shall be released, if after six months—
    a) no prosecution under the Act has been instituted with regard to the pesticide or toxic substance;
    b) no person is convicted of an offence under this Act.

4. Power of the Cabinet Secretary Ministry of Environment and Forestry to make regulations for registration of pesticide and toxic substances

Part IV of PCP Bill 2025 in its entirety usurps the role of the Cabinet Secretary Ministry of Environment and Forestry who is mandated under Section 100 of EMCA *"to make regulations prescribing the contents of any application and the conditions for the registration of pesticides and toxic substances."*

5. On Importation, Sale and Distribution of Pesticides;

Section 40(1) duplicates the function of NEMA under section 98(2) of EMCA which is to ensure that

> ***Section 98(2) of EMCA*** *"No person shall distribute, sell, offer for sale, hold for sale, import, deliver for importation to, or receive from, deliver or offer to deliver to any other person any unregistered pesticide or toxic substance."*

Whereas

> Section 40(1) of the PCP Bill 2025 stipulates that, *"No person shall import into or sell any pest control product in Kenya unless that product has been registered, packaged and labelled in accordance with regulations made under this Act."*

The proposed bill will therefore not only usurp the pre-established authority of NEMA to regulate importation of pesticides but will also expose the public to double jeopardy where taxes, enforcement and compliance within the pest control sector will be duplicated by various state agencies thereby increasing the cost of doing business.

6. Offences relating to Pesticides

Finally, it is our submission that EMCA, its enabling provisions and regulations already regulates the Pesticide sector and even prosecutes offences emanating therefrom as exhibited in **Section 141 (e)** which states,

"Offences relating to hazardous wastes, materials, chemicals and radioactive substances

Any person who— aids or abets illegal trafficking in hazardous waste, chemicals, toxic substances and pesticides or hazardous substances;

Therefore, there's no lacuna in regulation that would compel the enactment of the proposed Pest Control Products Bill 2025 as the EMCA Management of Toxic and Hazardous Chemicals and Materials) Regulations Legal Notice 182 of 2024 also cater to some of the chemical components of pesticides.

We wish to reiterate that this bill is ill-informed, and if enacted as it is, will plunge the sector into a conflict of laws, double taxation, over-regulation and significantly increase the cost of doing business in the sector.

THE PEST CONTROL PRODUCTS BILL, 2025

Specific Issues

Section	Provision	Comments
3 (1) (i)	Chapter 3. (1) The Act shall apply to the following (i) Premises dealing with pest control products and disposal of pest control product waste, used containers or contaminated materials;	Need for clarity on premises since NEMA regulates waste transfer stations and Material Recovery Facilities.
3 (1)(m)	Section 3. (1) The Act shall apply to the following m) Monitoring and surveillance of formulated products and residues in food and environmental samples.	This should be done in consultation with NEMA or other Agencies such as WRA. EMCA has a role on the same. Alternatively delete environmental samples.
4 (a)	Section 4. The purpose of this Act is to- a) Safeguard human health and environment from risks associated with pest control products	This is the mandate of NEMA. Its should be done in consultation with NEMA
8 (c)	Section 8. The functions of the Authority shall be to_ (c) safeguard human health and the environment from risks associated with pest control products by among other things.	This is the mandate of NEMA. Its should be done in consultation with NEMA
8 (h)	Section 8. The functions of the Authority shall be to_ (h) sample and analyses pest control products and residues thereof in produce and environment.	• Its covers EMCA and its regulations e.g. water quality. • Shall the Act set new standards for pesticides in environment.
8 (l)	Section 8. The functions of the	• It's the mandate of NEMA

	Authority shall be to_ (l) oversee and supervise the disposal of obsolete and exper.....	through EMCA and Sustainable Acts and applicable regulation. • Sections 8 (k) of the Bill may suffice.
8(m)	Section 8. The functions of the Authority shall be to_ (m) safeguard the environment from risk associated with pest.....	• A coordinative mandate of NEMA. • Should be done in consultation with NEMA or deleted.
8 (n)	Section 8. The functions of the Authority shall be to_ (m) offer technical assistance to the county government on safeguarding the environments.....	• A coordinative mandate of NEMA. • Should be done in consultation with NEMA or deleted.
9	(2) The board should consist of –	• Environment is missing which seems deliberate as the Bill seems to assume a mandate in Environment. • The Principal Secretary in the Ministry for the time being responsible for matters relating to Environment .....should be added to provide a bridge with environment laws and related environment issues.
23 (d)	(d) designate and establish pest control product waste collection and disposal sites in collaboration with NEMA	• Delete • The role of NEMA is clearly stipulated in its laws and regulations
48 (g)	Disposal certificate	• NEMA issues the same throughs its regulations. • A potential for double charges. • The Certificate should be obtained from NEMA.
53 (1) – (5)	Establishment, designation and authorization of laboratories	• EMCA designates laboratories for environmental samples which covers pesticides. • The scope should be clear as it covers environmental samples. • What happens to laboratories already

		designated by NEMA which undertake pesticide analysis. • Consider reviewing this Section Or work in consultation with NEMA
67 (1), (2)	Health and environment incidents reporting	• A mandate of NEMA through its ACTs and Regulation notably Deposit Bond Regulations amongst other. • Revise to be done in consultation with NEMA and other relevant agencies on Health.
69 (2)(s)	Regulations	• EMCA and SWA have regulations on wastes. • It causes duplications and confusion of mandate in the public. • An Agency may provide specific guidelines that support existing laws and regulations. • Avoid providing for regulations that exist. • It increases the risk or double charges.

Conclusion

1. The Bill should focus on Pest Control Products and support or fill gaps in existing laws and regulation.
2. The Bill borrow or include sustainability aspects such Circular Economy, Extended Producer Responsibility.
3. The Bill should enhance environmental tools such EIA, EA etc.

Signed,

MAMO B. MAMO, PhD, EBS
DIRECTOR GENERAL

(2) Deans Ogeda – HSD

3/7/26

(1) DDC & 2/7/26

COUNCIL OF GOVERNORS

Westlands Delta House 2nd Floor, Waiyaki Way.
P.O. BOX 40401-00100,
Nairobi.

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Our Ref: COG/6/48 Vol. 73 (62)

1st July 2026

Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Building
NAIROBI

Dear Clerk,

SUBMISSIONS ON THE PEST CONTROL PRODUCTS BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 48 OF 2025)

Reference is made to your letter referenced **NA/DDC/A&L/2026 (055)** dated **26th June, 2026** inviting comments and submissions on the referenced Bill.

The Council appreciates the opportunity to engage and present its views on these important legislation which provides for management and regulation of pest control products.

In view of this, the Council wishes to forward for your consideration the attached legislative memorandum on the referenced Bill.

Please accept assurance of our highest esteem and consideration.

Yours Sincerely,

Mary Mwiti, EBS
Chief Executive Officer

NATIONAL ASSEMBLY
RECEIVED
02 JUL 2026
CLERK'S OFFICE
P. O. Box 41842, NAIROBI.

RECEIVED
03 JUL 2026



LEGISLATIVE MEMORANDUM ON THE PEST CONTROL PRODUCTS BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 48 OF 2025)

TO

THE NATIONAL ASSEMBLY
THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

FROM

THE COUNCIL OF GOVERNORS

Introduction

THE COUNCIL OF GOVERNORS,

In recognition of the fact that sovereign power of the state is exercised at two levels of government, that is, the National Government and the County Governments, whose distinctness is recognized by Article 6 (2); and

In further recognition of the need to ensure that all legislation and regulatory frameworks are cognizant of devolved system of governance;

Noting that Article 186 and the Fourth Schedule of the Constitution assign the respective functions and powers of National and County Governments.

Further noting that the following functions are assigned to the county Governments:

1. Agriculture including, crop and animal husbandry and plant and animal disease control and veterinary services;
2. County health services, including, promotion of public health care, refuse removal, refuse dumps and solid waste disposal;
3. Trade development and regulation, including trade licences and fair-trading practices;
4. Forestry;

Having reviewed the **Pest Control Products Bill, 2025 (National Assembly Bills No. 48 of 2025)** in its entirety, the Council of Governors recommends significant amendments to:

1. Align with the distribution of functions between the National Government and the County Governments;
2. Eliminate overlaps between the National Government and County Governments;
3. Affirm that the Authority exercises delegated responsibility of the National Government;
4. Provide for the consultation and collaboration between the National Government and County Governments;
5. Align with the Constitution structures established by County Governments.

A. GENERAL COMMENTS

The Council of Governors welcomes the enactment of the **Pest Control Products Bill, 2025** as a significant step towards strengthening the regulation of pest control products in Kenya through a modern, efficient and science-based regulatory framework. The Council recognises that the regulation of pest control products is critical in safeguarding human, animal and plant health, promoting sustainable agricultural production, facilitating domestic and international trade, and protecting the environment.

Notwithstanding the foregoing, the Council observes that the Bill should be aligned with the constitutional framework on devolution as set out under Articles 6(2), 10, 186 and 189 of the Constitution of Kenya, 2010, read together with the Fourth Schedule. Whereas the National Government is responsible for ***policy formulation, the establishment of national regulatory standards, product registration, regulation of international trade, and ensuring compliance with national and international obligations***. County Governments are constitutionally mandated to undertake implementation functions relating to agriculture, ***including crop husbandry, plant disease control, agricultural extension services, county health services specifically refuse removal, refuse dumps and solid waste disposal, county trade development and regulation (excluding the regulation of professions), environmental management at the county level, and local enforcement within their respective jurisdictions.***

In this regard, the Bill should clearly distinguish the national regulatory functions of the Pest Control Products Authority from the implementation and local regulatory functions of County Governments. The Authority should retain responsibility for strategic regulatory functions that require national uniformity and international oversight, while County Governments should undertake licensing, inspection, compliance monitoring and service delivery functions that are county in nature and directly affect agricultural production and trade within counties.

Accordingly, the Council proposes that the Bill expressly provide for the following division of responsibilities:

(a) The Pest Control Products Authority shall be responsible for issuing the following certificates under the Act—

1. Manufacturing Certificate;
2. Formulator's Certificate;
3. Agency Certificate;
4. Export Certificate;
5. Import Certificate; and
6. Commercial Training Certificate.

These certificates relate to activities requiring national regulation, quality assurance, product integrity, international trade oversight and compliance with national and international standards and are therefore appropriately vested in the Authority.

(b) The respective County Government shall be responsible for issuing the following certificates and licences under the Act—

1. Re-packing Certificate;
2. Distributor Certificate;
3. Retailer Certificate;
4. Warehousing Certificate;
5. Disposal Certificate;
6. Pest Control Services Certificate;
7. Commercial Spray Service Provider's Certificate;

8. Wholesaler Certificate;
9. Storage and Use Certificate; and
10. Trade Licence for Premises.

These functions relate to the regulation of business premises and agricultural service delivery within counties and are closely linked to the county functions of agriculture and county trade development and regulation under Part 2 of the Fourth Schedule to the Constitution.

The Council therefore recommends that the Bill be amended to expressly recognise this functional assignment and establish mechanisms for cooperation, information sharing and joint enforcement between the Authority and County Governments in accordance with Article 189 of the Constitution.

B. SPECIFIC COMMENTS

CLAUSE	PROVISION OF THE BILL	PROPOSED AMENDMENT	JUSTIFICATION
4. Purpose of the Act	4. The purpose of this Act is to— (d) regulate all matters related to pest control products.	Insert the following **new clause 4(e)** immediately after **clause 4(d)** to read as follows: **4(e) promote cooperation between the national and county governments in the regulation, monitoring and safe use of pest control product.**	To align the Act with Articles 6(2) and 189 of the Constitution.
8. Functions of the Authority	8. The functions of the Authority shall be to— (a).... (d) prescribe and oversee the enforcement of standards and regulations in respect of pest control products; (f) implement international treaties and conventions relating to pest control products which Kenya has ratified; (g) conduct periodic reviews of registered pest control products;	Amend **clauses 8(d) (f)(g)(l) and (n) to read as follows:** **8. The functions of the Authority shall be to—** **(d) prescribe standards and regulations in respect of pest control products;** (f) **In collaboration with County governments,** implement international treaties and conventions relating to pest control products which Kenya has ratified; (g) **In collaboration with county governments,** conduct periodic	To align to the provisions of the Fourth Schedule of the Constitution which devolved health services including refuse removal, refuse dumps and solid waste disposal. We also opine that the Authority should only prescribe the guidelines, standards and regulations which Counties will oversee its enforcement within their jurisdictions.

	(l) oversee and supervise the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers; (n) offer technical assistance to the county government on safeguarding the environment from risks associated with pest control products;	reviews of registered pest control products; (l) **capacity building of county governments on** the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers; (n) **offer technical assistance to the county government on pest control products;**	
10. Powers of the Board	10. The Board shall have all powers necessary for the proper performance of its functions under this Act, and in particular, without prejudice to the generality of the foregoing, the Board shall have the power to— (a)... (b) suspend or cancel certificates or permits issued under this Act;	**Amend clause 10(b) to read as follows:** 10. (b) suspend or cancel certificates or permits issued **by the Authority** under this Act;	To clarify that the Board's primary role under the Act is to provide strategic oversight and governance over the functions and operations of the Authority, in accordance with the principles of good corporate governance.
21. Powers of Inspectors of the Authority	21. For purposes of exercising the powers under section 20, an inspector of the Authority may— (c) oversee and supervise the disposal of the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers; (d) inspect and issue certificates to the pest control business operators upon compliance with this Act	**Amend clause 21(c) and (d) to read as follows:** **21(c) provide technical assistance to county governments on** the disposal of the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers; **21(d) inspect and issue certificates on behalf of the Authority** upon compliance with this Act or Regulations made thereunder;	To align the functions of the Inspectors at the national level to the functions of the Authority.

	or Regulations made thereunder;		
23. Role of County Governments	23. Each county government shall, for the purposes of this Act and in collaboration with the Authority, undertake the following functions relating to pest control products — (g) regulate pest control products premises by issuing trade licenses.	**Amend clause 23(g) to read as follows:** 23. **Each county government shall, for the purposes of this Act, undertake the following functions relating to pest control products —** **(g) regulate pest control products agro-dealers and premises by issuing certificates and trade licenses** upon compliance with this Act or Regulations made thereunder; **Amend clause 23(g) by introducing the following new clauses immediately after (g):** **23(h) oversee and supervise the disposal of the disposal of obsolete and expired pest control products, pest control product wastes and empty pest control product containers;** **23(i) enforce standards and regulations in respect of pest control products;** **23(j) in collaboration with Authority, monitor and conduct surveillance of pest control products.** **23(h) suspend or cancel certificates or permits issued under this Act;**	To align the provision with the Fourth Schedule to the Constitution, which assigns plant and animal disease control, county health services (including veterinary services, excluding regulation of the profession), trade development and regulation, and refuse removal, refuse dumps, and solid waste disposal to County Governments.
24. Role of Inspectors by County Governments	24.(1) An inspector appointed by a county government under this Act shall, in consultation with the Authority — (c) monitor the management of empty	**Amend clause 24(1)(c) and renumber the clauses to read as follows:** **(c) on behalf of the county government, oversee and supervise the disposal of the disposal of obsolete and expired**	

	pesticide container collection sites and disposal of pest control products wastes; (g) prevent the sale of pest control products in unlicensed places or premises.	**pest control products, pest control product wastes and empty pest control product containers;** **(d) monitor the management of empty pesticide container collection sites and disposal of pest control products wastes;** **amend clause 24(g) by introducing the follow new clause (h) immediately after to read as follows:** (h) **inspect and issue certificates on behalf of the County Government** upon compliance with this Act or Regulations made thereunder.	
25. Seizure, forfeiture and disposal of pest control of products.	25.(1) Whenever an inspector appointed by the Authority believes, on reasonable grounds, that this Act or the Regulations made thereunder has or have been contravened, the inspector may seize and detain the pest control product in relation to which he reasonably believes the contravention was committed.	**Amend clause 25(1) to read as follows:** **25.(1) Whenever an inspector believes,** on reasonable grounds, that this Act or the Regulations made thereunder has or have been contravened, the inspector may seize and detain the pest control product in relation to which he reasonably believes the contravention was committed.	The provision, as currently worded, is discriminatory against inspectors appointed by County Governments. The proposed amendment is intended to ensure that the provision applies equally to all inspectors, regardless of the appointing authority.
27. Registration of pest control products.	27(8) The Board shall appoint a technical advisory committee to assist the Registrar in the consideration of applications made under this section	Amend **clause 27(8)** to read as follows: 27(8) The Board shall appoint an **intergovernmental technical advisory committee** to assist the Registrar in the consideration of applications made under this section	To provide for the representation of County Governments on the Technical Advisory Committee, as decisions relating to the registration of pest control products have a direct impact on the performance of the devolved functions assigned to County

			Governments under the Constitution.
42. Authorization of research	42. (2) An application for authorization under subsection (1) shall include any information required by the Authority, and shall be accompanied by the following —	Amend **clause 42(2)** by introducing a new clause immediately after (2) to read as follows: **42(2)A. The Authority may consult county governments that may be affected by the research before issuing authorization.**	To provide for counties participation in research processes.
43. Local innovation and development of pest control products	43(1) The Authority shall establish measures to encourage and recognize local innovation in the development and management of pest control products	Amend **clause 43(1)** to read as follows: 43(1) **The Authority and each County Government shall** establish measures to encourage and recognize local innovation in the development and management of pest control products	To provide for counties participation in promotion of innovations
45. Control of disposal of pest control products	45 (2) The Cabinet Secretary shall make Regulations for—	Amend **clause 45(2)** to read as follows: **45 (2) The Cabinet Secretary in consultation with County Governments shall make Regulations for—**	To provide for consultation with the counties noting that the disposal of solid wastes is a devolved function under the Fourth Schedule to the Constitution.
47. Procedure for certification.	47. (1) Any person who intends to deal in pest control products shall apply to the Authority for a certificate in the prescribed form accompanied by the prescribed fee. (2) The Authority shall evaluate the application, conduct inspection of the premises of the applicant and if satisfied issue the applicant with a certificate.	Amend clause 47 to read as follows: **47. (1) Any person who intends to deal in pest control products shall apply to the Authority or respective County Executive Committee Member for a certificate or a license in the prescribed form accompanied by the prescribed fee.** (2) **The Authority and County Executive Committee Member** shall evaluate the application, conduct inspection of the premises of the applicant and if satisfied issue the applicant with a certificate or license.	To align to the provisions of the Fourth Schedule to the Constitution which assigns functions to the two levels of government. The Council requests the National Assembly to adopt the proposed classification of certificates and licenses which shall be issued by the Authority and respective County Government.

	(3) The Cabinet Secretary shall, in consultations with the Authority, make Regulations for the better carrying out of the provisions of this section.	(3) The Cabinet Secretary shall, in consultations **with the Authority and county governments,** make Regulations for the better carrying out of the provisions of this section	
48. Classification of certificates.	48.(1) No person shall manufacture, formulate, repackage, distribute, retail, wholesale, sell, store, dispose, provide commercial spray services, offer pest control services, or be an agent of a dealer in pest control products, without a certificate issued by the Authority. (2) The following certificates be issued under this Act— (a) manufacturing certificate; (b) formulator's certificate; (c) re-packing certificate; (d) distributor certificate; (e) retailer's certificate; (f) warehousing certificate; (g) disposal certificate; (h) pest control services certificate; (i) commercial training certificate; (j) commercial spray service provider's certificate; (k) agency certificate; (1) wholesaler's certificate; and (m) storage and use certificate. (3) The Cabinet Secretary shall, in consultation with	Amend **clause 48** to read as follows: **48.(1) No person shall manufacture, formulate, repackage, distribute, retail, wholesale, sell, store, dispose, provide commercial spray services, offer pest control services, or be an agent of a dealer in pest control products, without a certificate issued by the Authority or County Executive Committee Member as provided for under section 2.** **2(a) The Authority shall issue the following certificates under this Act—** **(i) manufacturing certificate;** **(ii) formulator's certificate;** **(iii) agency certificate;** **(iv) Export certificate;** **(v) Import certificate;** **(vi) commercial training certificate;** **(b) The respective County Government shall issue the following certificates and licenses under this Act —** **(vii) re-packing certificate;** **(viii) distributor certificate;** **(ix) retailer's certificate;** **(x) warehousing certificate;** **(xi) disposal certificate;** **(xii) pest control services certificate;** **(xiii) commercial spray service provider's certificate;** **(xiv) wholesaler's certificate;**	The proposed classification aligns with the Fourth Schedule to the Constitution by recognizing that trade development and regulation (excluding the regulation of professions), as well as refuse removal, refuse dumps, and solid waste disposal, are functions assigned to County Governments. The amendment therefore ensures that the Bill is consistent with the constitutional allocation of functions between the two levels of government.

	the Authority, make Regulations for the better carrying out of the provisions of this section. (4) The Authority shall keep and maintain register of persons issued with certificates under this section.	**(xv) storage and use certificate and** **(xvi) Trade license for premises.** **(3) The Cabinet Secretary shall, in consultation with the Authority and county governments, make Regulations for the better carrying out of the provisions of this section.** (4) (a) **The Authority and respective county government shall keep and maintain register of persons issued with certificates under this section.** **(b) Each County government may share the register with the Authority for purposes of national planning.**	
49. Conditions for certification of premises	49. (1) No person shall use any premises or, being the owner or occupier thereof, permit or allow the premises to be used for the manufacture, formulating, packaging, selling or storing of pest control products in the course of a trade or business unless that person is in possession of certificate issued under this Act.	Amend **clause 49(1)** to read as follows: 49. (1) No person shall use any premises or, being the owner or occupier thereof, permit or allow the premises to be used for the manufacture, formulating, packaging, selling or storing of pest control products in the course of a trade or business unless that person is in possession of **valid trade license issued by the respective County Government under this Act**.	To align the provision with the Fourth Schedule to the Constitution, which assigns the function of trade development and regulation, including the issuance of trade licences, to County Governments.
51. issue and expiry of certificates	51(3) An application for renewal shall be submitted to the Authority on or before the 31st March of each year, and any application submitted after the 31st March shall be accompanied by a late fee as provided for in Regulations made by the	Amend clause 51(3) to read as follows: 51(3) An application for renewal shall be submitted to the **Authority or respective County Executive Committee Member as case maybe** on or before the 31st March of each year, and any application submitted after the 31st March shall be accompanied	To provide for the certificates and licenses issued by the County Governments.

	Cabinet Secretary, in consultation with the Authority, in that regard	by a late fee as provided for in Regulations made by the Cabinet Secretary, in consultation with the Authority, in that regard	
52. Suspension and cancellation of a certificate.	52.(1) The Authority may suspend or revoke a certificate at any time if satisfied that the holder thereof has contravened or failed to comply with any provision of this Act or any condition to which the certificate is subject.	Amend **clause 52(1)** to read as follows: 52.(1) The Authority **or respective County Executive Committee Member as case maybe** may suspend or revoke a certificate at any time if satisfied that the holder thereof has contravened or failed to comply with any provision of this Act or any condition to which the certificate is subject.	To provide for the suspension or revocation of certificates and licenses issued by the County Governments.
69. Regulations	69.(1) The Cabinet Secretary may, in consultation with the Authority, make Regulations generally for the better carrying out of the purpose and provisions of this Act.	Amend **clause 69(1)** to read as follows: 69.(1) The Cabinet Secretary may, in consultation with the **Authority and county governments,** make Regulations generally for the better carrying out of the purpose and provisions of this Act.	To align to provisions of Articles 6(2) and 189 of the Constitution so as to provide for participation of the county governments in the regulatory making process

C. Conclusion

The Council supports modernisation of pesticide regulation but notes that the Bill centralises several implementation functions that constitutionally belong to county governments. The Bill should expressly recognise county governments in licensing support, inspection, surveillance, extension services, enforcement, public awareness and intergovernmental coordination.

KENYA AGRICULTURAL & LIVESTOCK RESEARCH ORGANIZATION

When replying please quote:

Your Ref: NA/DDC/A&L/2026/055 **Date:** 29th June, 2026

Clerk of the National Assembly,
Clerk's Chambers,
Parliament Buildings,
P.O Box 41842-00100,
NAIROBI.

"Advance copy by E-mail"

Email: cna@parliament.go.ke

RE: SUBMISSIONS ON THE PEST CONTROL PRODUCTS BILL, 2025

The above subject matter and your letter dated 26th June, 2026 refers.

Kenya Agricultural and Livestock Research Organization (KALRO) is a body corporate created under the Kenya Agricultural and Livestock Research Act No. 17 of 2013. KALRO is the country's premier research institution mandated to promote, streamline, coordinate and regulate in Kenya research in crops, livestock, genetic resources, and biotechnology and to expedite equitable access to research information, resources, and technology and promote the application of the research findings and technology in the field of agriculture.

Having reviewed the Pest Control Products Bill, 2025, we wish to make the following recommendations for your considerations.

NO	SECTION	PROVISIONS IN THE BILL	AMENDMENT	JUSTIFICATION
1.	Section 8(c) (i) Functions of the Authority	(c) safeguard human health and the environment from risks associated with pest control products by, among other things- (i) evaluating pest control products	(i) evaluating pest control products before registration in collaboration with research institutions	Implies that the authority will do the research. We propose to add "in collaboration with research institutions" to ensure that the Authority also engages the

		before registration		research institutions to generate data for consideration of registration.
2.	Section 21 – Role of inspectors: For the purposes of exercising the powers under section 20, an inspector of the Authority may	b) assist county governments in building capacity of among technical staff on pest control products through training;	b) assist county governments in building capacity of technical staff on pest control products through training;	Delete the word "Among" appearing before "technical"
3.	Section 21 – Role of inspectors:	(e) seize and detain any complying pest control product that is not in compliance with this Act or Regulations made thereunder;	(e) seize and detain any pest control product that is not in compliance with this Act or Regulations made thereunder	Delete the word "Complying" appearing before "pest"
4.	Section 23 – Role of County Governments Each county government shall, for the purposes of this Act and in collaboration with the Authority, undertake the following functions relating to pest control products	(b) training and awareness creation of agro-dealers, farmers and the public on responsible use of pest control products	"train and sensitize agro-dealers, farmers and the public on responsible use of pest control products".	rephrase to read as proposed for gramattical flow

5.	Section 27- Registration of pest control products.	4) The Registrar may require the applicant to conduct pre-registration and post-registration studies in Kenya to generate data for the purposes of the application	4) The Registrar shall require the applicant to conduct pre-registration and post-registration studies in Kenya to generate data for the purposes of the application	Replace the word may with shall to make it mandatory for validation trials to be undertaken before registration of a pest control product.
6.	Section 27 (5) (a) (iii)	(a) the pest control product in respect of which the application is made is- (iii) complies with such requirements as may be prescribed under any Regulations made under this Act;	compliance with such requirements as maybe prescribed under any regulation made under this Act	We propose rephrasing the sub clause as shown for better flow.
7.	Section 38 - Control of counterfeit products.	38. (1) A person commits an offence if that person adulterates, counterfeits, or offers for sale a pest control product or label or package for a pest control product	38. (1) A person commits an offence if that person adulterates, counterfeits, or offers for sale an unregistered pest control Product, label or package for a pest control product.	Statement seems incomplete. Reword as follows for completeness.
8.	clause 69(2) (i) - Regulations	2) Without prejudice to the generality of subsection (1), the Cabinet Secretary the Regulations may provide for the following -	2) Without prejudice to the generality of subsection (1), the Regulations may provide for the following -	Delete the word "Cabinet Secretary" appearing before "the" for grammatical flow

Additional comments

To be able to leverage on the authority to promote innovation, sustainable agriculture, food safety, and climate-resilient pest management in Kenya, we propose that the additional provisions should be incorporated into the bill to:

i. Establish a framework for support of Integrated Pest Management (IPM) techniques and safer alternatives to synthetic chemicals.
ii. Strengthen post-registration monitoring and surveillance for resistance.
iii. Explicitly and formerly integrate national research institutions into the governance and technical advisory structures of the Authority.
iv. Introduce a clause on periodic scientific review of registered active ingredients.
v. Give a provision to fast track registration of biological products, since they are safer than synthetic molecules.
vi. Consider establishment of a National Pest Control Products Scientific Advisory Committee with representation from KALRO, KEPHIS, universities, the regulators, and other relevant agencies.
vii. Outline mechanisms under the Bill to promote public-private partnerships for development of safer pest control products.
viii. Additionally, the authority may support research on local alternatives to highly hazardous pesticides and encourage gradual substitution where scientifically feasible.
ix. Hold forums for gathering stakeholder views on performance and emerging concerns on pesticides already in the market and communicate actions taken.

KALRO is in support of the bill, especially because it is establishing a dedicated authority that provides the framework for control of pest control products.

Patrick K. Ketiem, PhD
DIRECTOR GENERAL

KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)
HEADQUARTERS - Oloolua Ridge, Karen
P. O. Box 49592 00100 GPO Nairobi, Kenya, Tel: 0206618000/0709891000 E-mail:director@kephis.org
Website: www.kephis.org

Our Ref: KEPHIS/HQ/4/19/Vol.8 **Date:** 1st July, 2026

Mr. Samuel Njoroge CBS
Clerk to the National Assembly
Kenya National Assembly
Parliament Buildings
P.O Box 41842- 00100
Nairobi Kenya
Email: cna@parliament.go.ke, george.gazemba@parliament.go.ke,
dennis.ogechi@parliement.go.ke

Dear Sir,

SUBJECT: KEPHIS SUBMISSION ON THE PEST CONTROL PRODUCTS BILL, 2025 (NATIONAL ASSEMBLY BILL NO. 48 OF 2025) BEFORE THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

Reference is made to your letter Ref, NA/DDC/A&L/2026/055) dated 26th June, 2026, on the above subject.

KEPHIS has evaluated the Pest Control Products Bill No. 48 of 2025 under consideration by the Departmental Committee on Agriculture and Livestock of National Assembly.

Attached please find the KEPHIS submission on the bill for your consideration.

Yours Faithfully,

PROF. THEOPHILUS M. MUTUI, PHD
MANAGING DIRECTOR

KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)
HEADQUARTERS - Oloolua Ridge, Karen
P. O. Box 49592 00100 GPO Nairobi, Kenya, Tel: 0709891000 / 0206618000 E-mail: director@kephis.org Website: www.kephis.org

KEPHIS SUBMISSION ON THE PEST CONTROL PRODUCTS BILL, 2025 (NATIONAL ASSEMBLY BILL NO. 48 OF 2025) BEFORE THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

1. Introduction

The Kenya Plant Health Inspectorate Service (KEPHIS) appreciates the opportunity to provide comments on the Pest Control Products Bill, 2025.

KEPHIS supports the overall objective of modernising the legal and institutional framework for regulation of pest control products in Kenya. The Bill presents an opportunity to strengthen pesticide governance, improve food safety, safeguard plant health, support international trade compliance and align national controls with regional and international standards.

KEPHIS comments are guided by its mandate under plant health, seed and planting materials quality assurance, phytosanitary certification, pesticide residue monitoring and support to market access requirements.

2. General Position

KEPHIS supports the enactment of the Bill subject to strengthening provisions that:

- Improve risk-based regulation and post-registration surveillance;
- Enhance coordination with national competent authorities;
- Align implementation with international obligations and export market requirements.

3. Specific Proposed Comments

Clause/Area	Observation	Proposed KEPHIS Submission	Justification
Board Composition (9)	Technical representation may be insufficient.	Include representation from institutions with mandates in plant health, laboratory science and food safety.	Enhances scientific and technical decision making.
Registration of Pest Control Products (27)	Registration provisions should consider local data and trade implications.	Require scientific risk assessment and consideration of local efficacy data, residue data and crop use patterns.	Supports evidence-based decisions.
EAC Guidelines Application (30)	Regional harmonisation is positive.	Clarify that EAC requirements shall apply while preserving Kenya's right to impose stricter measures where justified by science.	Protects national interests and export obligations.
Re-evaluation of Registered Products (32)	Positive provision but frequency unclear.	Introduce mandatory periodic review intervals and trigger-based reassessment mechanisms in the bill or regulations	Ensures continued product safety.
Banned/Restricted Products (37)	Criteria for restriction should be clear.	Require publication of risk assessment outcomes and transition arrangements.	Improves transparency and compliance.
Counterfeit Pest Control Products (38)	Strong provisions included.	Strengthen traceability, digital registration and market surveillance.	Reduces illegal pesticide trade.

Clause/Area	Observation	Proposed KEPHIS Submission	Justification
Research Authorisation (42)	Research controls are important.	Exempt and streamline approvals for accredited public research institutions under controlled conditions.	Supports innovation and local evidence generation.
Local Innovation and Development (43)	Provision welcomed.	Consider introduction of incentives for local formulation, bio-pesticides and residue reduction technologies.	Supports agricultural transformation agenda.
Importation and Export Controls (40)	Coordination mechanisms may require strengthening.	Include integrated border inspection and information sharing among competent agencies.	Improves efficiency and compliance.
Manufacture, Distribution, Sale and Use (41)	Traceability framework should be strengthened.	Require electronic records and product tracking systems.	Improves surveillance and recall capability.
Inspection Powers (21 and 24)	County and national inspection roles may overlap.	Clearly define jurisdiction and establish joint inspection protocols.	Avoids duplication and conflict.

5. Conclusion

KEPHIS supports enactment of the Pest Control Products Bill, 2025, subject to consideration of the submissions of the proposed amendments to strengthen scientific regulation, institutional coordination, food safety oversight, environmental protection and international market compliance.

PROF. THEOPHILUS M. MUTUI, PHD
MANAGING DIRECTOR

MINISTRY OF HEALTH

STATE DEPARTMENT FOR PUBLIC HEALTH AND PROFESSIONAL STANDARDS

OFFICE OF THE PRINCIPAL SECRETARY

Official response by the Principal Secretary, State Department for Public Health and Professional Standards, for submission to the National Assembly Departmental Committee on Agriculture and Livestock regarding the Pest Control Products Bill, 2025, pursuant to the invitation for stakeholder comments. The response acknowledges the invitation to appear before the Committee on 2nd July 2026 and submit written comments by 1st July 2026.

The State Department for Public Health and Professional Standards appreciates the invitation by the Departmental Committee on Agriculture and Livestock to submit comments on the Pest Control Products Bill, 2025.

MEMORANDUM ON THE PEST CONTROL PRODUCTS BILL, 2025

Honourable Chair and members,

The Ministry of Health recognizes the importance of establishing a modern legal framework for the regulation of pest control products to safeguard human health, protect the environment, facilitate agricultural productivity, and strengthen regulatory oversight.

Having reviewed the Pest Control Products Bill, 2025, the State Department for Public Health and Professional Standards, Ministry of Health makes the following observations and recommendations:

1. Recognition of the Health Sector

Honourable Chair and members,

The Bill appropriately provides for the Principal Secretary responsible for Health to serve as a member of the Board of the Pest Control Products Authority. This provision should be retained to ensure that public health considerations are integrated into policy formulation, regulatory decision-making, and oversight of pest control products.

In addition, the Ministry recommends that the bill to recognize the role of CCEM Health and County Public Health Officers in the implementation of Act especially with respect to monitoring, disposal, awareness creation and training on safe use of pest control products including Public Health Products. (PHOs to be authorized for these specific functions).

Further on the **Part 11 on the Functions of the Authority**, with regards to monitoring and surveillance of pesticide residues should be restricted to its mandate (regulation of pest control products) to avoid duplication or overlap with the Ministry of Health and County Departments of Health.

2. Strengthening Public Health Protection.

Honourable Chair and members,

The Bill should;

a) Expressly provide for collaboration between the Authority and the Ministry of Health in:

- Surveillance of pesticide poisoning and other adverse health effects arising from exposure to pest control products;
- Monitoring occupational and community exposure to pesticides;
- Investigation of food contamination incidents involving pest control products;

safe handling, storage, transportation, use, and disposal of pest control products.

b) Require the Authority to establish information sharing mechanisms with the Ministry of Health including surveillance data, laboratory findings, and other relevant information relating to poisoning incidents, food contamination, and environmental exposure;

3. For purposes of;

I. Environmental and Human Health Monitoring

Honourable Chair and members,

The Act should provide that the Authority shall collaborate with the Ministry of Health and County Departments of Health in monitoring pesticide residues in food, drinking water, and environment, undertaking health risk assessments, and implementing appropriate public health interventions where risks are identified.

II. One Health and Inter sectoral Coordination

Honourable Chair and members,

The Ministry supports the adoption of the One Health approach. The Bill should institutionalize coordination among the Ministries responsible for Health, Agriculture, Environment, and Trade, and County Governments to strengthen surveillance, risk assessment, emergency preparedness and response, information sharing, and joint enforcement activities.

III. Emergency Preparedness and Response

Honourable Chair and members,

The Bill should provide clear mechanisms for preparedness and coordinated response to chemical incidents, pesticide poisoning outbreaks, food contamination events, product recalls, and other public health emergencies associated with pest control products.

The Ministry of Health should have the lead responsibility for coordinating the public health aspects of such responses.

IV. Capacity Building

Honourable Chair and members,

The Ministry recommends continuous training, competency development, and certification of pesticide applicators, inspectors, health workers, laboratory personnel, poison information personnel, and other relevant stakeholders on the safe management of pest control products and response to poisoning incidents.

V. Alignment with National and International Obligations

Honourable Chair and members,

Implementation of the Act should be harmonized with:

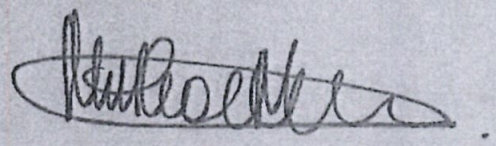
- The Constitution of Kenya, 2010;
- The Health Act, 2017;
- The Public Health Act (Cap. 242);
- The Food, Drugs and Chemical Substances Act (Cap. 254);
- The Food and Feed Safety Control Coordination, Act 2026
- The Environmental Management and Coordination Act (EMCA);
- The Occupational Safety and Health Act, 2007;
- The International Health Regulations (2005);
- The Rotterdam, Stockholm and Basel Conventions; and

Conclusion

The Ministry of Health supports the overall objectives of the Pest Control Products Bill, 2025, as it provides a comprehensive framework for regulating pest control products while promoting the protection of human health, food safety, and the environment.

Subject to incorporation of the foregoing recommendations, the Ministry supports the enactment of the Bill and remains available to provide any further technical assistance required by the Committee during its consideration of the Bill.

Honourable Chair and members, I hereby submit



Mary Muthoni Muriuki, CBS
PRINCIPAL SECRETARY

BETTER FARMING
BETTER FOOD
BETTER HEALTH

Re: aak-GROW GENERAL COMMENTS ON PCP BILL, 2025

Introduction

aak-GROW/CropLife Kenya serves as the umbrella body for manufacturers, producers, importers, formulators, distributors, and users of pest control products in Kenya. Its central mission revolves around fostering stewardship and promoting the responsible use of pest control innovations. By minimizing risks and maximizing benefits associated with pest control technologies, the organization aims to ensure food safety, safeguard the environment and enhance food security. For 66 years now, aak-GROW/CropLife Kenya has actively collaborated with stakeholders across diverse value chains to fulfill these objectives.

CLAUSE IN THE BILL	COMMENTS
Part III Inspectors and analysts	Section 23/24. –Provide an avenue for collaboration with counties in awareness training on: a) good Agricultural practices b) pest control product training, waste management of Empty pesticides containers and related wastes c) Fighting counterfeiters
Part IV Registration of pest control products	Clear provisions on registration and approval process of pest control products i. From application to technical review process ii. Recognise EAC guidelines iii. Introduce a punitive penalty for illegal or unregistered products- 1M or 2yrs imprisonment iv. Section 37 provides clear provisions of banning a pest control product as per international practices v. Section 38 – an offence for adulterators, counterfeiters, users of empty containers and introducers of substandard pest control products- fine 2- 10M or 7 yrs imprisonment vi.
Part V Importation, exportation and research	**Clear provision of procedures of importation of registered pest control products** i. Section 40-No room for unregistered or expired products ii. Section 41- better regulation of manufacturers, distributors, sellers and users iii. Misleading advertisement is an offense iv. Section 43- clear provision to support local innovations in pest control products v. Section 44 provides -guidance on transport of pest control products vi. Section 45 provides mechanisms of management of obsolete stock by agro dealers
Part VI Manufacture, certification, transportation, disposal of pest control products	i. Provides clarity of management of dealers of pest control products in the value chains- from manufacturers, transporters, stockists in terms of getting certificates or license to undertake the business. This includes disposal certificate, spray service providers and transporters.

Yours Faithfully

Joel Mutai
Chief Executive Officer
aak-GROW/CLK

MEMORANDUM

To: The Chairperson,
Departmental Committee on Agriculture and Livestock,
National Assembly,
Parliament Buildings,
Parliament Road, Nairobi, Kenya

From: Agrobiodiversity and Agroecology Stakeholders
Date: 1st October, 2026
info@isfaa.ke

SUBJECT: STAKEHOLDERS' RECOMMENDATIONS AND INPUTS TO THE PEST CONTROL PRODUCTS BILL 2025

We wish to thank the Chairperson of the Departmental Committee on Agriculture and Livestock, at the National Assembly, for giving an opportunity to submit our joint comments, recommendations, and inputs on the Pest Control Products Bill, 2025. It is our humble submission and request that our inputs are considered.

This joint submission represents the views of our diverse stakeholders under the Intersectoral Forum on Agrobiodiversity and Agroecology (ISFAA) that work on food systems and have an interest in the areas of pest management and control. Our joint comments are based on our work and SDG 2, with the aim of ending all forms of hunger and malnutrition by 2030, making sure all people have sufficient, safe, and nutritious food all year. This involves promoting agroecology and agrobiodiversity.

The inputs have been jointly prepared and validated by ISFAA members. Enclosed are the stakeholders' inputs. We remain available for any clarification and also to make submissions in person.

Sincerely,

Dr. Martin Oulu ,
ISFAA Coordinator

Ms. Rosinah Mbenya
PELUM Kenya Country Coordinator

Dr. Harun Warui
Route to Food Initiative

On Behalf of the Consortium

Centre for Environment Justice and Development

MEMORANDUM TO THE NATIONAL ASSEMBLY DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

RE: Comments, Objections and Proposed Amendments to the Pest Control Products Bill, 2025

Submitted by: The Intersectoral Forum on Agrobiodiversity and Agroecology (ISFAA), the Route to Food Initiative, and Participatory Ecological Land Use Management (PELUM Kenya), and partners on behalf of pastoralist and smallholder livestock producers in Kenya

Date: October 2026

1. Introduction

Under the umbrella of the Intersectoral Forum on Agrobiodiversity and Agroecology (ISFAA)—a multi-stakeholder and cross-sectoral platform that brings together government bodies, farmer organizations, civil society, the private sector, and academia to address systemic bottlenecks in our food system—PELUM Kenya, a network dedicated to empowering small-scale farmers and pastoralists through ecological land use, and the Route to Food Initiative (RTFI), a coalition and movement-building platform for food-systems transformation, hosted by the Heinrich Boell Foundation Nairobi, have joined forces. Together with the undersigned civil society organizations, farmer networks, and agroecology practitioners, this unified Coalition respectfully submits this memorandum on the Pest Control Products Bill, 2025, currently before Parliament. We express our sincere gratitude to the Committee for this opportunity to submit our comments and for their ongoing commitment to engaging stakeholders on the vital issues of food safety, environmental health, and sustainable agriculture.

The Bill repeals and replaces the Pest Control Products Act (Cap. 346) and re-establishes the Pest Control Products Authority. The Coalition supports the modernisation of Kenya's pesticide governance framework. In its current form, however, the Bill largely restates the regulatory architecture of the repealed Act, with limited adaptation to:

(a) the hazard-based, precautionary standards now applied internationally;
(b) Kenya's obligations under Articles 10, 35, 42, 43, 69 and 70 of the Constitution;
(c) Kenya's commitments under the Rotterdam Convention, the FAO/WHO International Code of Conduct on Pesticide Management, and the Strategic Approach to International Chemicals Management (SAICM); and
(d) the National Agroecology Strategy (NAS-FST) 2024–2033, which Kenya has adopted as policy.

This memorandum sets out, in Part 3, our principal concerns and corresponding proposed amendments, organised by theme rather than by clause for ease of reference. A consolidated clause-by-clause table of proposed amendments is attached as Annex A, and proposed revisions to the definitions in Part I (Interpretation) of the Bill are attached as Annex B.

2. General Observations

Read as a whole, the Bill raises the following overarching concerns:

Title and purpose. The long title and the purpose clauses (Sections 1 and 5) frame the Bill principally around the importation, manufacture and trade of chemical products, rather than around pest management as a system. This framing is inconsistent with the National Agroecology Strategy (NAS-FST) 2024–2033.

Guiding principles. Section 6 imports the general constitutional values referred to in Articles 10 and 232 and Chapter Six, but omits the sector-specific principles – precaution, polluter-pays, substitution and scientific independence – that anchor modern pesticide legislation.

Risk-based, not hazard-based, regulation. Registration and ban/restriction decisions under Sections 27, 28 and 37 are governed by a risk-based model that assumes hazardous exposure can be safely

managed through mitigation measures and personal protective equipment. This assumption does not reflect the realities of smallholder farming in Kenya.

Institutional conflicts of interest. Section 9(2)(g)(i) reserves a seat on the Board for a nominee of the Agrochemicals Association of Kenya (AAK) – the principal trade association for entities that the Authority is established to regulate – while there is no equivalent representation for independent science, environmental protection or consumer interests.

A single regulatory track for products of very different risk profiles. Biological and ecological inputs (biopesticides, microbial agents, botanical products) are subject to the same data requirements, fees and laboratory standards as synthetic chemical pesticides (Sections 27, 28, 47 and 53), creating disproportionate barriers for low-risk local innovation.

Penalties that do not deter. Several offences (Sections 34, 38, 49 and 67) carry flat fines as low as KES 50,000, which are immaterial to large manufacturers and importers, while Section 25(5) confines cost-recovery for the disposal of seized goods to the local "owner or importer."

Confidentiality provisions that may shield safety data. Sections 64 and 65 do not expressly exclude toxicological, residue and environmental-incident data from the categories of information that may be treated as confidential.

No defined review of the existing pesticide register. The transitional provisions in the Second Schedule carry the current register of approved products into the new regime without a defined, time-bound, public review, notwithstanding documented concern – including a 2019 parliamentary petition by the Route to Food Initiative and others – that a significant number of products currently registered in Kenya are banned in their countries of origin on health and environmental grounds.

3. Specific Concerns and Proposed Amendments

A. Title, Long Title, Purpose, and Guiding Principles (Sections 1, 5 and 6)

Issue: The short title frames the Bill around "pest control products" as commodities, and the purpose clauses in Section 5 emphasise risk management of chemical inputs without an explicit mandate to promote sustainable, non-chemical pest management. Section 6 lists only the general constitutional values applicable to all public bodies, without the sector-specific principles needed for pesticide governance.

Recommendation: We recommend that: (i) the short title be amended to "The Pest Management and Control Products Bill, 2025"; (ii) Section 5 be amended so that the purpose of the Act includes applying the precautionary principle and hazard-based cut-off criteria to eliminate highly hazardous pest control products, and prioritising and incentivising the research, development and adoption of biological and ecological inputs as safe alternatives to synthetic chemicals; and (iii) Section 6 be amended to add, as guiding principles, the precautionary principle, the polluter-pays principle, the principle of substitution (prioritising biological and ecological inputs over hazardous synthetic chemicals wherever viable), the principle of scientific independence and transparency, and the principle of proactive public participation and access to information. Full proposed text is at Annex A, Part A.

Justification: These amendments give effect to Articles 10, 42, 69(1)(g) and 70 of the Constitution, and operationalise the National Agroecology Strategy (NAS-FST) 2024–2033 within the text of the Act, rather than leaving it as policy aspiration outside the law.

B. Definitions – Part I (Interpretation)

Issue: Part I omits, or narrowly defines, several terms essential to a hazard-based regulatory framework, including "active ingredient," "adverse effect," "agroecological pest management," "biological and ecological inputs," "co-formulant," "cumulative effects," "hazard-based assessment," "hazardous properties," "highly hazardous pesticide," "independent scientific evidence," "integrated pest management," "precautionary principle," "re-evaluation," "synergistic effects," "unacceptable risk" and "vulnerable populations." The existing definition of "severely restricted pest control product" should, in our view, be deleted altogether once the hazard-based cut-offs proposed in Part D below are adopted, as it currently permits restricted uses that are difficult to police in smallholder supply chains.

Recommendation: We propose revised or new definitions for these terms, set out in full at Annex B, drawn from the WHO/FAO Recommended Classification of Pesticides by Hazard and the Rotterdam

Convention. By way of illustration, we propose that "highly hazardous pesticide" mean a pest control product that meets internationally recognised criteria for severe or irreversible harm to human health or the environment, including those identified by WHO or FAO, or that presents particularly high risk under conditions of use in Kenya; and that "vulnerable populations" include children, pregnant women, farm workers, pastoralist communities, and populations living in proximity to areas of pesticide use.

Justification: Precise definitions are the foundation on which the substantive amendments proposed in Parts D, E and H below depend; without them, those provisions would be difficult to enforce.

C. Board Composition, Independence and Conflict of Interest (Sections 9–13, 17, 18 and the First Schedule)

Issue: Section 9(2)(g)(i) reserves a Board seat for a nominee of the Agrochemicals Association of Kenya, the principal trade body for entities regulated under the Act. The Board, its co-opted experts and its technical committees have no guaranteed representation from independent toxicology, environmental science or consumer protection, and there is no statutory cooling-off period for persons with prior commercial links to the pesticide industry. The quorum prescribed in Part 2 of the First Schedule (one-half of members) is, in our view, too low for decisions of this consequence.

Recommendation: We recommend that: (i) Section 9(2)(g)(i) be deleted; (ii) Section 9(2)(g) be restructured to provide for one independent toxicologist or environmental scientist nominated by the National Environment Management Authority, one consumer-protection representative nominated by a registered national consumer-protection federation, and one representative of organic and agroecological farmers nominated by a registered national network for sustainable agriculture; (iii) a new Section 9(5) be inserted barring appointment to, or co-optation onto, the Board or its committees of any person with a direct or indirect financial interest in the manufacture, importation, distribution or sale of synthetic chemical pest control products, with mandatory disclosure and disqualification for conflicts arising during tenure; (iv) Sections 11(b) and 17(3)(a) be amended to require the chairperson and Managing Director to hold qualifications in environmental science, toxicology, agroecology, public health or a related public-interest discipline, with no commercial link to the synthetic pesticide industry in the preceding five years; (v) Section 18 be amended to require all staff to make conflict-of-interest disclosures and observe a three-year post-employment restriction on regulated industry activity; (vi) Section 10(i) be amended to require the Board to establish separate, permanent technical committees for synthetic chemical assessment and for biological and ecological inputs, at least half of whose members shall be independent, conflict-free scientists; and (vii) the quorum in Part 2 of the First Schedule be raised from one-half to two-thirds of the total membership of the Board. Full text at Annex A, Part C.

Justification: These amendments give effect to Chapter Six of the Constitution and the FAO/WHO Guidelines on Pesticide Registration, which discourage direct industry representation on regulatory decision-making bodies, and help ensure that decisions on bans, restrictions and residue limits remain free of commercial influence.

D. Hazard-Based Assessment and Highly Hazardous Pesticides (Sections 27, 28, 37 and new Section 32A)

Issue: Sections 27(5) and 37 govern, respectively, the grant of registration and the banning or restriction of products, and both rely on a risk-based test – whether "unacceptable risk" can be avoided through mitigation and conditions of use – rather than on the intrinsic hazardous properties of the active ingredient. Section 37(1)(b)(iii), in particular, asks whether "previous application of mitigation measures did not reduce the risk," which in practice allows highly hazardous chemicals to remain on the market on the assumption that smallholder farmers can reliably use personal protective equipment under tropical field conditions. The Bill also contains no statutory mechanism compelling periodic re-evaluation of registered products in light of new evidence.

Recommendation: We recommend that: (i) Section 37(1)(b) be amended to provide that where scientific hazard evaluation demonstrates that an active ingredient meets the FAO/WHO criteria for a Highly Hazardous Pesticide – including carcinogenicity, mutagenicity, reproductive toxicity, or extreme eco-toxicity to pollinators and aquatic life – the Authority shall ban the product, without regard to the availability or assumed efficacy of mitigation measures or personal protective equipment; (ii) Section 37(1)(b)(iii) be deleted; and (iii) a new Section 32A be inserted requiring the Registrar to initiate re-evaluation of a registered product within six months where new scientific evidence of toxicity emerges,

the active ingredient is banned or restricted in its country of origin, or a substantiated petition supported by peer-reviewed evidence is submitted by a registered civil society organisation or group of citizens, with the registration liable to suspension under the precautionary principle pending the outcome. Full text at Annex A, Part D.

Justification: Hazard-based cut-offs are the approach recommended by FAO and WHO and applied in other jurisdictions, precisely because risk-mitigation assumptions are difficult to verify and enforce in the field. A statutory re-evaluation trigger closes the gap left by the discretionary re-evaluation provisions in Sections 35 and 36.

E. A Differentiated, Fast-Tracked Pathway for Biological and Ecological Inputs (Sections 8, 27, 28, 47 and 53)

Issue: Biopesticides, microbial pesticides, botanical products and other biological and ecological inputs are registered (Section 27), classified (Section 28(1)), certified (Section 47) and tested (Section 53) through the same processes, data requirements, fee structures and laboratory standards designed for synthetic chemical pesticides. This is disproportionate to the comparatively low risk profile of these inputs and creates a structural barrier to the local biopesticide sector that NAS-FST 2024–2033 seeks to grow.

Recommendation: We recommend that: (i) Section 8(b) be amended to require the Authority to register pest control products "through distinct and separate regulatory pathways, providing an expedited, low-cost fast-track stream for biological and ecological inputs alongside standard streams for synthetic chemical inputs"; (ii) Section 27(4) be amended by a proviso permitting the Registrar to waive intensive local field trials for biological and ecological inputs where peer-reviewed literature or historical safe-use data already establish efficacy and low toxicity, with such applications determined within 90 days; (iii) Section 28(1) be amended to add a distinct product class for "biological and ecological inputs (low-risk pest control products)"; (iv) Section 47(1) be amended to provide for a substantially subsidised or zero-rated certification fee for persons dealing exclusively in certified biological and ecological inputs; and (v) Section 53(1) be amended to require the Authority to establish a dedicated laboratory division or protocol for verifying the quality, biological purity and safety of biological and ecological inputs. Full text at Annex A, Part E.

Justification: A separate, proportionate pathway is the principal structural reform needed to translate the policy commitments of NAS-FST 2024–2033 into a functioning market for safer alternatives.

F. National and County Inspectorate – Public Health and Environmental Mandate (Sections 20, 21, 23, 24 and 25)

Issue: The inspection and enforcement provisions are framed principally around commercial "premises" – factories, stores and shops – and around commercial infractions such as counterfeiting and licensing. Inspectors are not expressly empowered to enter farmland or water bodies to investigate spray drift, environmental contamination or food-residue breaches at source, and county inspectors have no express mandate to monitor pesticide-poisoning incidents, buffer zones around schools, residential areas and wetlands, or the disposal of empty containers. Section 21(e), as drafted, contains a drafting error: it empowers an inspector to "seize and detain any complying pest control product that is not in compliance," which is internally contradictory and would expose any seizure under that paragraph to challenge in court.

Recommendation: We recommend that: (i) Section 20(1)(a)(i) and (ii) be amended to extend the inspector's power of entry and inspection to agricultural land, farms, public or private water bodies and transit vehicles, and to environmental media, soil, water, livestock and crop material reasonably believed to be contaminated; (ii) Section 21(e) be corrected to read "seize, confiscate and detain any pest control product, batch or raw material found to be non-compliant with the provisions of this Act or Regulations made thereunder"; (iii) Section 23(a) and (b) be amended to require county governments to actively promote agroecological practices and to train Agro-dealers, extension officers and farmers on the hazards of Highly Hazardous Pesticides and on non-chemical alternatives, with new paragraphs (h) and (i) requiring county-level targets for reducing synthetic pesticide volumes and budgetary support for botanical and microbial input multiplication hubs; (iv) Section 24(1)(d) be amended to require county inspectors to train and create awareness on HHP hazards, integrated pest management and the prioritisation of biological and ecological inputs, including pesticide residues in food and the protection of vulnerable populations; and (v) new paragraphs (h) to (k) be inserted in Section 25 requiring

inspectors to monitor and report pesticide drift and environmental contamination to the Authority and NEMA, to collect samples of marketed produce, soil and feed for MRL compliance, to trace and report acute poisoning incidents, and to inspect and enforce buffer zones around schools, residential areas and wetlands. Full text at Annex A, Part F.

Justification: These amendments give substantive content to the devolved functions in respect of agriculture and environmental management under the Fourth Schedule to the Constitution and turn county inspectors from auditors of commercial compliance into front-line environmental-health monitors.

G. Corporate Accountability, Proportionate Penalties and Extended Producer Responsibility (Sections 25(5), 34, 49, 54, 58, 67 and new Section 69B)

Issue: Several offence provisions impose fines that are disproportionately low for corporate registrants and importers – for example, Section 34(1) (false or misleading registration data) and Section 49(3) (illegal manufacture, storage or online sale) each carry a maximum fine of KES 50,000. Section 25(5) limits the Authority's cost-recovery for the disposal of seized non-compliant products to the local "owner or importer," leaving the original manufacturer or registrant – often a multinational – outside the reach of the polluter-pays principle. The Bill contains no Extended Producer Responsibility (EPR) framework requiring registrants to fund the collection and disposal of containers and obsolete stock, and Section 58, governing the Authority's annual budget estimates, contains no ring-fenced allocation for post-market surveillance.

Recommendation: We recommend that: (i) Sections 25(5), 34(1), 49(3) and 67(3) be amended to introduce tiered penalties, distinguishing individuals or smallholders (modest fines or, where appropriate, community service) from corporate registrants, manufacturers or commercial operators (a fine of not less than ten million shillings or a stated percentage of annual turnover, whichever is higher, together with mandatory remediation costs and, in the case of Section 25(5), joint and several liability of the owner, importer, registrant and local agent of the manufacturer under the polluter-pays principle); (ii) a new Section 69B be inserted establishing an Extended Producer Responsibility framework under which every manufacturer, registrant and importer bears cradle-to-grave liability for their products and associated waste, is required to fund a national take-back and disposal network for containers, contaminated materials and obsolete stock, and must demonstrate compliance with that framework as a condition of registration renewal; (iii) Section 54(b) be amended to establish a ring-fenced Environmental and Health Safety Levy on imported synthetic chemical pest control products, pegged to hazard classification, to fund the Authority's surveillance and fast-track functions; (iv) Section 54(d) be amended to prohibit the Authority from accepting donations, grants or gifts, directly or indirectly, from commercial entities, trade associations or foundations linked to the synthetic pesticide industry; and (v) Section 58(2)(a) be amended to require a non-discretionary allocation of not less than twenty per cent of the Authority's operational budget to post-market surveillance, ecosystem-contamination tracking and MRL sampling. Full text at Annex A, Part G.

Justification: These amendments operationalise the polluter-pays principle proposed for inclusion in Section 6 and ensure that the cost of regulatory enforcement and environmental remediation is borne by those who profit from the sale of pesticides, rather than by Kenyan taxpayers, smallholder farmers or local distributors.

H. Preventing Kenya from Becoming a Dumping Ground (new Section 69A and Section 40(4))

Issue: The Bill contains no provision preventing the registration, importation or continued sale in Kenya of pest control products whose active ingredients have been banned, cancelled, severely restricted or refused registration in their country of origin on health or environmental grounds. Section 40(4), addressing consignments in transit, does not adequately bind transporters, cargo carriers, logistics providers and warehouse operators to cargo-custody tracking, leaving a regional diversion risk for unregistered consignments.

Recommendation: We recommend that: (i) a new Section 69A be inserted providing that no pest control product shall be registered, imported or manufactured in Kenya where its active ingredient, formulation or structural design has been banned, cancelled, severely restricted or refused registration in its country of origin or export on human-health or environmental grounds, and that any existing registration of such a product shall be automatically revoked within ninety days of such a ban, cancellation or restriction taking effect abroad; and (ii) Section 40(4) be amended to require any transporter, cargo carrier, logistics provider or warehouse operator taking custody of pest control

products in transit through Kenya to register a manifest with the Authority at the port of entry, provide a tracking guarantee, and submit proof of exit at the designated border point within a prescribed timeframe. Full text at Annex A, Part H.

Justification: A clause of this kind addresses long-standing public concern – reflected in the 2019 parliamentary petition by the Route to Food Initiative and others – regarding the continued domestic registration of active ingredients that are banned in their countries of origin, and reflects the principle of regulatory equity raised repeatedly during stakeholder consultations on this Bill.

I. Transparency, Public Reporting and Access to Information (Sections 61, 64, 65, 67 and 70)

Issue: Section 64 makes it an offence to disclose "confidential information" obtained under the Act, and Section 65 penalises unauthorised disclosure or attempted disclosure of such information, without expressly excluding health, toxicological, residue or environmental-incident data from that category. Section 61(3)(c) leaves the content of the Authority's statistical reporting to its own discretion. Section 67(1) requires reporting of health and environmental incidents to the Authority, but establishes no public register, reporting timeline or trigger for regulatory action.

Recommendation: We recommend that: (i) a proviso be added to Section 64, and a new Section 65(c) inserted, providing that confidential information shall, for the purposes of the Act, exclude raw data or summary findings on human-health toxicity, environmental degradation, impact on non-target organisms such as pollinators, and chemical residue levels in food and water, all of which shall be treated as public-interest information; (ii) Section 61(3)(c) be amended to require the Authority's annual report to include comprehensive statistical data on the volumes and active ingredients of products imported and distributed, categorised by hazard class, together with records of re-evaluations, bans and suspensions, and a summary of environmental-contamination and food-residue breaches detected during the year; (iii) Section 67(1) be restructured to require reporting of health, occupational and environmental incidents by users, dealers and medical practitioners, with new paragraphs (b) and (c) requiring the Authority to maintain a public, anonymised National Pesticide Incident Register, incidents to be logged within 48 hours, and providing that five or more incident reports nationwide concerning a single active ingredient or formulation within twelve months shall trigger an automatic re-evaluation under Section 32A; and (iv) Section 70(1) be amended to add a new paragraph (m) requiring the Cabinet Secretary's regulations to provide for an open-access Public Pesticide Registry and Digital Information Portal containing active registrations, pending applications, independent risk evaluations, safety data sheets and incident reports. Full text at Annex A, Part I.

Justification: Under Articles 35 and 42 of the Constitution, data bearing directly on public health and ecosystem integrity cannot be withheld as a commercial or trade secret. These amendments also give the re-evaluation mechanism proposed in Part D a reliable evidentiary trigger.

J. Protecting Smallholder Farmers, Indigenous Knowledge and Local Innovation (Sections 41, 43 and 50)

Issue: Section 41(5) and (6) impose criminal liability on any person who possesses, uses or applies an unregistered pest control product, or who uses a product contrary to label instructions, without distinguishing between a commercial dealer in counterfeit synthetic chemicals and a smallholder farmer using a traditional botanical preparation on their own land, or an extension officer demonstrating such a preparation. Section 43 addresses local innovation only through a notification requirement, with no defence against the appropriation of community knowledge or genetic resources by third parties (biopiracy). Section 50(1) requires a commercial-training certificate for "commercial training in relation to pest control products" without exempting non-profit agroecology training delivered by civil society organisations, community-based organisations or academic institutions.

Recommendation: We recommend that: (i) a proviso be added to Section 41(5) exempting a smallholder farmer using a biological, botanical or traditional preparation for personal crop protection on their own land, with no commercial intent, from liability under that subsection, and directing enforcement officers to prioritise advisory intervention in such cases; (ii) a proviso be added to Section 41(6) exempting smallholder farmers lacking formal training, and the preparation, demonstration or application of non-synthetic botanical, indigenous or certified biological inputs by registered extension providers or civil society organisations, from liability under that subsection; (iii) Section 43 be restructured to establish an Indigenous Knowledge and Community Innovation Register for the registration, validation, commercialisation and protection of farmer and community innovations in

botanical and biological pest management, and to provide that no commercial patent or exclusive licence shall be granted over a pest control input derived from community knowledge or indigenous genetic resources without a verified Access and Benefit-Sharing agreement under national environmental law; and (iv) Section 50(1) be amended to provide that the certification requirement applies strictly to profit-driven commercial training entities, and does not apply to non-commercial, public-interest training, extension services or capacity-building on agroecological and biological pest management conducted by civil society organisations, community-based organisations or academic institutions. Full text at Annex A, Part J.

Justification: These amendments avoid the unintended criminalisation of lawful agroecological practice and extension work and provide the defensive intellectual-property protections necessary to prevent biopiracy of farmer and community innovations, consistent with Article 11(3) of the Constitution and the Nagoya Protocol on Access and Benefit-Sharing.

K. Transitional Provisions: Review of the Existing Pesticide Register (Sections 70–73 and the Second Schedule)

Issue: Section 70(1) provides that, on commencement, all matters relating to pest control products shall be administered under the new Act, and the Second Schedule provides for the transition of the existing register of pesticides into the new regime. Neither provision requires a defined, time-bound, public review of the products currently on the register, notwithstanding documented evidence that a significant proportion of pesticides registered for use in Kenya are banned in the European Union and elsewhere on proven health and environmental grounds – the subject of a 2019 public petition to Parliament by the Route to Food Initiative and other civil society actors concerning more than thirty active ingredients and associated end-use products.

Recommendation: We recommend that the Second Schedule be amended to provide for a comprehensive and transparent review, within one year of commencement, of all pest control products on the register as at the date of commencement, applying the hazard-based criteria proposed in Part D above; that the results of the review be published and tabled before Parliament for policy direction; and that, if the review is not completed within one year, the body responsible for the review may seek a further one-year extension from Parliament. Full text at Annex A, Part K.

Justification: A defined transitional review is necessary to ensure that the reforms proposed in this memorandum apply to products already on the market, and not only to new applications, and to give Parliament an evidentiary basis for further policy direction.

4. Summary of Recommendations

Considering the foregoing, we respectfully urge the Committees to amend the Bill to:

1. Reframe its title, purpose and guiding principles around pest management, precaution, polluter-pays and substitution (Part A);
2. Adopt the revised and additional definitions at Annex B, including "highly hazardous pesticide," "hazard-based assessment" and "vulnerable populations" (Part B);
3. Remove direct industry representation from the Board and its technical committees, and strengthen independence safeguards for the Board, the Managing Director and staff (Part C);
4. Introduce hazard-based cut-off criteria and a mandatory re-evaluation mechanism for registered products (Part D);
5. Create a distinct, fast-tracked and affordable registration pathway for biological and ecological inputs (Part E);
6. Extend the powers and duties of national and county inspectors to cover farms, water bodies, buffer zones and pesticide-incident surveillance, and correct the drafting error in Section 21(e) (Part F);
7. Introduce proportionate, tiered corporate penalties and a statutory Extended Producer Responsibility framework, with ring-fenced funding for post-market surveillance (Part G);
8. Insert a "mirror clause" preventing the registration or continued sale of products banned in their country of origin, and strengthen transit-cargo tracking (Part H);

9. Exclude health, toxicological and environmental data from "confidential information," and establish a public pesticide registry and incident register (Part I);
10. Protect smallholder farmers, agroecology extension work and community innovations from inappropriate criminalisation and biopiracy (Part J); and
11. Provide for a one-year, transparent, hazard-based review of the existing pesticide register, with results tabled before Parliament (Part K).

5. Conclusion

The Coalition recognises the importance of a modern, efficient and predictable legal framework for the regulation of pest control products and supports the timely enactment of this Bill. The amendments proposed in this memorandum are intended to strengthen, not delay, that objective, by aligning the Bill with Kenya's constitutional commitments to a clean and healthy environment and to public participation, with its international obligations under the Rotterdam Convention and the FAO/WHO Code of Conduct on Pesticide Management, and with its own National Agroecology Strategy (NAS-FST) 2024–2033.

We remain available to provide further technical input, including oral submissions before the Committees, and to assist with drafting instructions for any of the amendments proposed above.

Annex A: Clause-by-Clause Table of Proposed Amendments

This table sets out, by reference to the thematic parts of Section 3 above, the specific clauses of the Bill affected, the issue identified, the proposed amendment, and the corresponding justification.

Clause	Issue	Proposed Amendment	Justification
A – Title, Purpose and Guiding Principles			
Section 1 (Short title)	Title frames the Bill around chemical commodities only.	Change the short title to: "The Pest Management and Control Products Bill, 2025."	Aligns the statutory objective with a holistic pest-management approach, consistent with NAS-FST 2024–2033.
Section 5(a) and (c) (Purpose)	Purpose focuses on risk management of chemical inputs; does not mandate promotion of safe alternatives.	Amend (a) to: "Protect human health, animal welfare and the environment by applying the precautionary principle and hazard-based cut-off criteria to eliminate highly hazardous pest control products"; amend (c) to: "Prioritise and incentivise the research, development and adoption of biological and ecological inputs as safe alternatives to synthetic chemicals."	Elevates the Authority from a licensing body to a body with a proactive public-interest mandate.
Section 6 (Guiding principles)	Lists only general constitutional values; omits sector-specific principles.	Insert new paragraphs (d)–(h): (d) the precautionary principle; (e) the polluter-pays principle; (f) the principle of scientific independence and transparency; (g) the principle of substitution, prioritising biological and ecological inputs over	Anchors enforceable principles in Articles 10, 42, 69(1)(g) and 70 of the Constitution.

Clause	Issue	Proposed Amendment	Justification
		hazardous synthetic chemicals wherever viable; and (h) proactive public participation, access to information, environmental justice and citizen oversight.	
B – Definitions (Part I)			
Part I – Interpretation	Several key terms are undefined or too narrow for a hazard-based framework (see list in Section 3, Part B).	Insert/revise the definitions set out in Annex B.	Provides the technical foundation for the substantive amendments in Parts D, E and H.
Part I – "severely restricted pest control product"	Permits restricted uses that are difficult to police in smallholder supply chains.	Delete the definition in its entirety.	Consistent with a binary registered/banned, hazard-based framework (Part D).
C – Board Composition and Conflict of Interest			
Section 9(2)(g)(i)	Reserves a Board seat for a nominee of the Agrochemicals Association of Kenya – a regulated entity.	Delete sub-paragraph (i) in its entirety.	Removes a direct conflict of interest contrary to Chapter Six of the Constitution and FAO/WHO guidance.
Section 9(2)(g)	Board lacks guaranteed independent scientific, consumer and agroecology representation.	Restructure to provide for: (i) one independent toxicologist/environmental scientist nominated by NEMA; (ii) one consumer-protection representative nominated by a registered national consumer federation; and (iii) one representative of organic/agroecological farmers nominated by a registered national sustainable-agriculture network.	Balances the Board with independent science, consumer safety and agroecology voices.
New Section 9(5)	No firewall against industry-linked appointees or co-opted experts.	Insert: no person shall be appointed under subsection (2) or co-opted under subsection (3) if they have a direct or indirect financial interest in the manufacture, importation, distribution or sale of synthetic chemical pest control products; any such interest arising during tenure requires immediate disclosure and disqualification.	Statutory safeguard against conflicts of interest in technical deliberations on bans and residue limits.

Clause	Issue	Proposed Amendment	Justification
Section 10(i)	Technical committees may be staffed without independence safeguards.	Add proviso: the Board shall establish distinct, permanent technical committees for (i) Synthetic Chemical Assessment and (ii) Biological and Ecological Inputs; at least 50% of each committee's membership shall be independent, conflict-free scientists, with appointments and findings made public.	Institutionalises independent oversight for both chemical phase-outs and fast-tracking of safer alternatives.
Section 11(b)	Chairperson qualification ("relevant scientific field") is too broad and may admit industry-aligned candidates.	Amend to: "at least ten years' experience in a relevant public-interest scientific field, including environmental toxicology, public health, agroecology, or environmental science, with no active commercial or financial links to the synthetic pesticide manufacturing industry."	Safeguards institutional leadership from executive-level industry capture.
Section 17(3)(a)	Managing Director qualification ("any relevant discipline") is too broad.	Amend to require a master's degree in environmental science, toxicology, agroecology, public health, environmental chemistry or a related public-interest discipline.	Ensures the technical head of the Authority can enforce hazard-based cut-offs and eco-toxicity evaluation.
Section 18	No conflict-of-interest or post-employment restrictions for Authority staff.	Require all staff to hold qualifications appropriate to their functions, make mandatory conflict-of-interest disclosures, and observe a three-year post-employment restriction on regulated industry activity.	Extends institutional-integrity safeguards beyond Board level to operational staff.
First Schedule, Part 2 (Quorum)	Quorum set at one-half of Board membership.	Raise the quorum to two-thirds of the total membership of the Board.	Ensures decisions of consequence are not taken by a narrow subset of members.
D – Hazard-Based Assessment and HHPs			
Section 37(1)(b)	Relies on risk-based mitigation/PPE assumptions rather than intrinsic hazard.	Amend to provide that where scientific hazard evaluation demonstrates an active ingredient meets FAO/WHO Highly Hazardous Pesticide criteria (carcinogenicity, mutagenicity, reproductive toxicity, extreme eco-toxicity to pollinators/aquatic life), the Authority shall ban the	Replaces unenforceable risk-mitigation concepts with absolute hazard-based cut-off criteria.

Clause	Issue	Proposed Amendment	Justification
		product without regard to mitigation measures or PPE.	
Section 37(1)(b)(iii)	Allows continued marketing where "previous mitigation measures did not reduce the risk" – a loophole.	Delete sub-paragraph (iii).	Removes the principal loophole used to justify continued registration of HHPs.
New Section 32A	No mandatory trigger for re-evaluation of registered products.	Insert: the Registrar shall initiate re-evaluation within six months where (a) new scientific evidence on toxicity emerges; (b) the active ingredient is banned or restricted in its country of origin; or (c) a substantiated petition backed by peer-reviewed evidence is submitted by a registered CSO or citizens' group; registration may be suspended under the precautionary principle pending outcome.	Empowers communities and independent scientists to compel re-examination of hazardous chemicals.
E – Fast-Track for Biological and Ecological Inputs			
Section 8(b)	Single registration track for all products regardless of risk.	Amend to register pest control products "through distinct and separate regulatory pathways, providing an expedited, low-cost fast-track stream for biological and ecological inputs alongside standard streams for synthetic chemical inputs."	Prevents safe alternatives from being administratively or financially choked out.
Section 27(4)	Requires intensive local field trials regardless of risk profile.	Add proviso: for biological and ecological inputs, the Registrar shall waive intensive local field trials where peer-reviewed literature or historical safe-use data establish efficacy and low toxicity, with a decision within 90 days.	Removes a major financial and bureaucratic barrier for low-risk local innovation.
Section 28(1)	No distinct product class for low-risk inputs.	Add a new class: "(e) biological and ecological inputs (Low-Risk Pest Control Products)."	Creates a distinct legal identity unlocking tailored fees, packaging and labelling.
Section 47(1)	Uniform certification fee disadvantages small biological-input businesses.	Add proviso establishing a highly subsidised or zero-rated fee structure for persons dealing exclusively in certified biological and ecological inputs.	Reduces entry barriers and end-user cost for organic crop-protection tools.

Clause	Issue	Proposed Amendment	Justification
Section 53(1)	Authority laboratories are calibrated for synthetic chemical testing only.	Add proviso: the Authority shall establish a dedicated laboratory division or protocol to verify the quality, biological purity and safety of biological and ecological inputs.	Ensures biological inputs are validated on appropriate scientific terms.
F – Inspectorate Mandate			
Section 20(1)(a)(i)–(ii)	Power of entry limited to commercial "premises."	Extend to agricultural land, farms, public or private water bodies and transit vehicles; and to environmental media, soil, water, livestock or crop material reasonably believed contaminated.	Enables investigation of field-level contamination and food-safety breaches at source.
Section 21(e)	"Seize and detain any complying pest control product that is not in compliance" – internally contradictory.	Correct to: "seize, confiscate and detain any pest control product, batch or raw material found to be non-compliant with the provisions of this Act or Regulations made thereunder."	Removes a drafting error that would otherwise be fatal to enforcement action in court.
Section 23(a)–(b) and new (h), (i)	County functions framed as passive "responsible use" training only.	Amend (a) to require active promotion of agroecological practices and prioritisation of biological inputs; amend (b) to require training on HHP hazards and non-chemical alternatives; add (h) county targets for reducing synthetic pesticide volumes; add (i) budgetary support for botanical/microbial multiplication hubs.	Builds county-level capacity for biological and ecological crop protection.
Section 24(1)(d)	"Responsible use" framing shifts exposure burden onto farmers; no mandate to train on alternatives.	Amend to require training and awareness on HHP hazards, integrated pest management, prioritisation of biological/ecological inputs, pesticide residues in food, occupational exposure risks, and protection of children, pregnant women and vulnerable populations.	Re-orients local extension toward sustainable, ecologically sound practices.
New Section 25(h)–(k)	No mandate for environmental/food-safety surveillance by county inspectors.	Add functions: (h) monitor farms, water bodies and aggregation points for pesticide drift/contamination, report to Authority and NEMA; (i) sample crop produce, soil and feed for MRL compliance; (j) trace and report acute poisoning cases; (k) inspect and	Transforms inspectors into active environmental-health guardians.

Clause	Issue	Proposed Amendment	Justification
		enforce buffer zones around schools, residential areas and wetlands.	
G – Corporate Accountability, Penalties and EPR			
Section 25(5)	Cost recovery for disposal limited to local "owner or importer."	Amend so that costs of seizure, storage, analysis and safe disposal are recovered as a civil debt, jointly and severally, from the owner, importer, registrant or local agent of the manufacturer, under the polluter-pays principle.	Ensures global registrants – not only local distributors – bear disposal costs.
Section 34(1)	Maximum fine of KES 50,000 for false/misleading registration data.	Amend to provide that a person or corporate body that knowingly provides false, altered, suppressed or misleading safety/toxicity data is liable to a fine of not less than ten million shillings or 5% of annual turnover, whichever is higher, with criminal liability for corporate directors.	Provides a meaningful deterrent against data manipulation by large registrants.
Section 49(3)	Maximum fine of KES 50,000 for illegal manufacture/storage/online sale.	Introduce tiered penalties: individuals – fine not exceeding KES 250,000; corporate entities – fine of not less than KES 2,000,000 or forfeiture of non-compliant stock, or both.	Distinguishes small retailers from large corporate violators.
Section 67(3)	Maximum fine of KES 500,000 for incidents causing risk of death or harm.	Introduce tiered penalties: individuals/smallholders – fine not exceeding KES 100,000 or community service; corporate entities – fine of not less than KES 10,000,000 or 10% of annual turnover, revocation of business certificate, and liability for ecosystem remediation.	Prevents environmental contamination being treated as a routine cost of doing business.
New Section 69B	No Extended Producer Responsibility framework.	Insert: (1) every manufacturer, registrant and importer bears cradle-to-grave liability for products and waste; (2) registrants shall establish, manage and fund a national take-back and disposal network for containers, contaminated materials and obsolete stock; (3) no registration shall be	Shifts the cost of toxic-waste management onto chemical corporations, consistent with the FAO Code of Conduct.

Clause	Issue	Proposed Amendment	Justification
		renewed without proof of EPR compliance.	
Section 54(b)	No dedicated, ring-fenced funding for surveillance or fast-tracking.	Amend to include a mandatory, ring-fenced Environmental and Health Safety Levy on imported synthetic chemical pest control products, pegged to hazard classification.	Generates dedicated polluter-pays revenue for surveillance and fast-track functions.
Section 54(d)	Permits unrestricted donations/gifts, risking industry capture.	Add proviso barring the Authority from receiving grants, donations, gifts or endowments, directly or indirectly, from commercial entities, trade associations or foundations linked to synthetic pesticide manufacture, importation or distribution.	Creates a financial firewall against industry influence over research and policy.
Section 58(2)(a)	No mandatory allocation for field-level post-market surveillance.	Amend to require a non-discretionary allocation of not less than 20% of the operational budget to active post-market surveillance, ecosystem-contamination tracking and MRL sampling.	Converts post-market surveillance from discretionary to a funded statutory obligation.
H – Mirror Clause and Transit Controls			
New Section 69A	No bar on registering or retaining products banned abroad.	Insert: (1) no product shall be registered, imported or manufactured in Kenya if its active ingredient, formulation or structural design has been banned, cancelled, severely restricted or refused registration in its country of origin or export on health or environmental grounds; (2) any existing registration of such a product shall be automatically revoked within 90 days of such action taking effect abroad.	Prevents Kenya becoming a destination for pesticides too dangerous for their countries of origin.
Section 40(4)	"Taking possession or control" in transit is ambiguous, enabling diversion.	Amend to require any transporter, cargo carrier, logistics provider or warehouse operator taking custody of products in transit to register a manifest with the Authority at the port of entry, provide a tracking guarantee, and submit proof of exit at the designated border point within a prescribed timeframe.	Closes a regional smuggling/diversion loophole.

Clause	Issue	Proposed Amendment	Justification
I – Transparency and Access to Information			
Section 64 (new proviso) and new Section 65(c)	Confidentiality provisions may be used to suppress safety data.	Provide that confidential information shall exclude raw data or findings on human-health toxicity, environmental degradation, impacts on non-target organisms (e.g. pollinators), and residue levels in food and water, which shall be treated as public-interest information.	Ensures safety and toxicological data cannot be hidden behind trade-secret protections.
Section 61(3)(c)	Statistical reporting left to the Authority's discretion.	Require the annual report to include import/distribution volumes by hazard class, records of re-evaluations, bans and suspensions, and a summary of contamination/residue breaches.	Equips civil society and policymakers with verifiable monitoring data.
Section 67(1) and new (b), (c)	No defined incident-reporting mechanism or public register.	Require reporting by users, dealers and medical practitioners; establish a public, anonymised National Pesticide Incident Register with 48-hour logging; provide those five or more incident reports on one active ingredient within 12 months triggers automatic re-evaluation under Section 32A.	Converts incident reports into an automatic statutory trigger for regulatory action.
Section 70(1) – new (m)	No requirement for an open-access pesticide information portal.	Add: regulations shall provide for an open-access Public Pesticide Registry and Digital Information Portal containing registrations, pending applications, independent risk evaluations, safety data sheets and incident reports.	Enables farmers and researchers to independently verify chemical safety information.
J – Smallholders, Indigenous Knowledge and Local Innovation			
Section 41(5) – new proviso	Smallholders using harmless botanical preparations face the same liability as commercial illegal distributors.	Add proviso exempting smallholder farmers using biological, botanical or traditional preparations for personal, non-commercial crop protection from liability, with enforcement officers directed to prioritise advisory intervention.	Prevents the criminalisation of traditional and organic farming practice.
Section 41(6) – new proviso	Criminalises smallholders and extension/CSO demonstrations of non-	Add proviso exempting untrained smallholders, and the preparation,	Protects agroecological

Clause	Issue	Proposed Amendment	Justification
	synthetic preparations lacking conventional labels.	demonstration or application of non-synthetic botanical, indigenous or certified biological inputs by registered extension providers or CSOs.	extension work from unjust penalisation.
Section 43	Local-innovation provisions limited to a notification requirement; no biopiracy defence.	Restructure to establish an Indigenous Knowledge and Community Innovation Register for botanical/biological innovations and require a verified Access and Benefit-Sharing agreement before any patent or exclusive licence over inputs derived from community knowledge or genetic resources.	Codifies defensive mechanisms against biopiracy, consistent with Article 11(3) and the Nagoya Protocol.
Section 50(1)	Commercial-training certificate may capture non-profit agroecology training.	Amend to apply strictly to profit-driven commercial training entities, expressly exempting non-commercial, public-interest training and extension on agroecological/biological pest management by CSOs, CBOs or academic institutions.	Protects civil society and extension networks teaching sustainable pest management.
K – Transitional Review of the Existing Register			
Second Schedule	No defined review period for products on the existing register at commencement.	Provide for a comprehensive, transparent review, within one year of commencement, of all products on the register, applying the hazard-based criteria in Part D; results to be published and tabled before Parliament; one further one-year extension may be sought from Parliament if needed.	Ensures the reforms in this memorandum apply to the existing market, not only new applications.

Annex B: Proposed Definitions for Part I (Interpretation)

The following definitions are proposed to be inserted into, or to replace the corresponding definitions in, Part I of the Bill.

Term	Proposed Definition
active ingredient	"active ingredient" means the component of a pest control product intended to exert direct or indirect pesticidal action, including synthetic chemical, biological, or genetic agents.
adverse effect	"adverse effect" means any direct or indirect harmful outcome to human health, livestock, pollinators, biodiversity, or ecosystems, including acute, chronic, delayed, developmental, reproductive, neurological, immunological, or cumulative ecological effects.
agroecological pest management	"agroecological pest management" means an approach to pest management based on ecological processes, biodiversity, and system resilience, minimising or eliminating reliance on synthetic pest control products.
bioaccumulation	"bioaccumulation" means the accumulation of a substance in an organism or across trophic levels over time, including through food chains.
biocide	"biocide" means any substance, mixture, or organism intended to destroy, deter, render harmless, prevent the action of, or otherwise exert a controlling effect on any harmful organism by chemical or biological means, used primarily in public health, household, industrial, or non-agricultural environments.
biological and ecological inputs	"biological and ecological inputs" means an overarching category of low-risk pest control products derived from natural materials or organisms, encompassing biopesticides, biological control agents, microbial pesticides, botanical pesticides, and organic pest control products that inherently exhibit low toxicity to human health and the environment.
biopesticide	"biopesticide" means a pest control product derived from natural materials, including macro-organisms, microbial agents, pheromones, semiochemicals, and products of biotechnology, used for pest management through biological or ecological population regulation.
co-formulant	"co-formulant" means any substance intentionally added to a pest control product, other than the active ingredient, to enhance efficacy, stability, delivery, or usability, including solvents, surfactants, and synergists.
commercial training	"commercial training" means any training or coaching programme operated by a profit-driven entity to impart skills on pest control and management; provided that public extension services, and non-commercial training, extension or capacity-building programmes conducted by civil society organisations, community-based organisations or academic institutions on agroecological and biological pest management, shall not constitute commercial training for the purposes of this Act.
conflict of interest	"conflict of interest" means any financial, professional, or institutional interest that could compromise, or reasonably be perceived to compromise, the objectivity, independence, or integrity of a decision, recommendation, or regulatory action under this Act.
cumulative effects	"cumulative effects" means the combined effects on human health or the environment arising from exposure to multiple substances or sources over time.
environment	"environment" includes air, water, soil, biodiversity, ecosystems, ecological processes, and ecosystem services, and the interactions among them.
formulation	"formulation" means the complete pest control product as sold or used, including the active ingredient and all co-formulants.

Term	Proposed Definition
hazard-based assessment	"hazard-based assessment" means a regulatory evaluation process that determines whether a pest control product should be registered, restricted, or banned based strictly on its intrinsic hazardous properties, without relying on exposure mitigation or safe-use assumptions.
hazardous properties	"hazardous properties" means intrinsic characteristics of a substance that may cause harm, including persistence, bioaccumulation, toxicity, endocrine disruption, carcinogenicity, mutagenicity, reproductive toxicity, neurotoxicity, immunotoxicity, or ecological toxicity.
highly hazardous pesticide	"highly hazardous pesticide" means a pest control product that meets internationally recognised criteria for severe or irreversible harm to human health or the environment, including those identified by the World Health Organization or the Food and Agriculture Organization, or that presents particularly high risk under conditions of use in Kenya.
independent scientific evidence	"independent scientific evidence" means peer-reviewed research, data, or technical findings generated by academic institutions, public research agencies, or international scientific bodies that are entirely free from financial, commercial, or institutional conflicts of interest with the pesticide manufacturing and registration industry.
integrated pest management (IPM)	"integrated pest management" means a decision-making framework for pest control that prioritises prevention and non-chemical methods, and uses pest control products only as a last resort, based on monitoring and defined thresholds.
Maximum Residue Limit (MRL)	"Maximum Residue Limit" means the maximum concentration of a residue that is legally permitted or recognised as acceptable in or on a food, agricultural commodity, or feedstuff.
metabolite / transformation product	"metabolite" or "transformation product" means any substance formed through the degradation, metabolism, or transformation of a pest control product in the environment, organisms, or food systems.
polluter pays principle	"polluter pays principle" means the principle that the costs of preventing, controlling, mitigating, and remedying environmental degradation, ecosystem contamination, or public health injury resulting from the life-cycle of a pest control product shall be borne by the manufacturer, registrant, or importer.
precautionary principle	"precautionary principle" means the principle that where there are reasonable grounds for concern that a pest control product or its components may cause harm to human health or the environment, lack of full scientific certainty shall not be used as a reason for postponing measures to prevent or minimise such harm.
re-evaluation	"re-evaluation" means the periodic reassessment of a registered pest control product in light of new scientific evidence, monitoring data, or changed conditions of use.
residue	"residue" means any specified substance in food, agricultural commodities, or animal feeds resulting from the use of a pest control product, and includes a conversion product, metabolite, reaction product, or other derivative thereof.
risk-based assessment	"risk-based assessment" means a regulatory evaluation process that estimates the likelihood and severity of an adverse effect occurring from exposure to a pest control product under specific, realistic, and strictly managed conditions of use, and shall apply only to products that have passed hazard-based assessment.
synergistic effects	"synergistic effects" means effects arising from the interaction of two or more substances that result in a combined impact greater than the sum of their individual effects.

Term	Proposed Definition
toxicity	"toxicity" means a physiological or biological property which determines the capacity of a pest control product to do harm or to occasion injury to a living organism by other than mechanical means.
unacceptable risk	"unacceptable risk" means any likelihood of harm to human health, biodiversity, or the environment that cannot be prevented, reduced, or justified under realistic conditions of use, including cumulative, chronic, delayed, or transgenerational effects.
vulnerable populations	"vulnerable populations" means groups with heightened exposure or susceptibility to harm, including children, pregnant women, farm workers, pastoralist communities, and populations living in proximity to areas of pesticide use.

NatureKenya
THE EAST AFRICA NATURAL HISTORY SOCIETY

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(1) DDC & 13/7/26

Clerk of the National Assembly
P.O. Box 41842 – 00100 Nairobi.

10th July 2026

Dear Sir,

Memorandum on Pest Control Products Bill (National Assembly Bill No. 48 of 2025).

Nature Kenya – the East Africa Natural History Society – acknowledges the need to control pests to improve agricultural productivity and the quality of agricultural products. At the same time, ensuring that the products used for pest control are properly regulated and tested for safety is essential for protecting human health and the environment.

We have reviewed the Bill and present the following comments and recommendations to strengthen its provisions.

Comments

- We thank the drafters for a valuable Part IV.
- The Bill should clearly address the misuse of pest control products, particularly where they affect unintended targets, such as lacing carcasses with pesticides to poison wildlife, and end up killing globally endangered birds.

(2) Mr. Ogelo, HoS
Pse deal
Mathagu SS-PCs
13 July 2026

Recommendations

EDIT Clause 9 (2) (g) to include a fourth member:

(g) four persons appointed by the Cabinet Secretary as follows

ADD (g) (iv) one person nominated by a registered national organization representing persons concerned with environmental and human health hazards arising from the use of pesticides.

EDIT Clause 23 (a) to read:

(a) promote good agricultural practices in the control of pests including integrated pest management; **biological control, and practices to protect pollinators of crops that are particularly vulnerable to pesticide exposure;**

ADD Subsection 34(3):

34 (3) A person commits an offence if that person intentionally uses a pest control product to poison any wild animal listed as a protected species.

ADD Subsection 41(7):

41 (7) Any person who intentionally uses a pest control product to poison wildlife commits an offence and is liable, upon conviction, to a fine not exceeding one hundred thousand shillings, or to imprisonment for a term not exceeding six months, or to both.

ADD Subsection 67(2)(e):

(e) Poisoning any wild animal listed as a protected species.

ADD Subsection 67 (4):

(4) Concerned members of the public may report incidents to the Authority in writing.

Yours Sincerely,

Dr. Paul Matiku,
Executive Directive, **Nature Kenya**

DIRECTORATE OF DEPARTMENTAL COMMITTEES
RECEIVED
13 JUL 2026

NATIONAL ASSEMBLY
RECEIVED
10 JUL 2026
CLERK'S OFFICE
P. O. Box 41842, NAIROBI.

BirdLife

Background information about Nature Kenya

Nature Kenya—the East Africa Natural History Society (EANHS)—is Africa's oldest environmental Society, established in 1909 to promote the study and conservation of nature in eastern Africa. We remain a non-political and not for profit membership Society. Our mission is connecting nature and people. Our work is firmly based on partnership, science and action. We use the best available science to inspire positive action for biodiversity by and for partners – Government, local communities and the private sector.

Nature Kenya takes practical action. We work with and for people – to improve their quality of life alongside, and as a result of, nature conservation. We collaborate with others wherever possible, at local, national, regional or global levels, linking with community groups, governments, businesses, universities and civil society groups to increase the impacts of our efforts.

Some of our achievements include:

- Founded the National Museums of Kenya, now a world-renowned institution for research and education.
- Published, since 1910, the *Journal of East African Natural History*, a respected scientific journal now jointly produced with the National Museums.
- Established and maintained, with the National Museums of Kenya, a comprehensive natural history library.
- Engaged our members in the study, enjoyment and conservation of nature in Eastern Africa, through field trips, lectures, publications, and opportunities to take part in research activities since 1909.
- Identified and designated Important Bird Areas (IBAs) for Kenya, in collaboration with the National Museums. More recently, documented the plants, animals and other biodiversity of Eastern Africa as a contribution to expanding the taxonomic scope of priority setting from IBAs to Key Biodiversity Areas (KBAs). Since IBAs are KBAs based on birds, they are also referred to as Important Bird and Biodiversity Areas.
- Encouraged and supported community-based organizations to become Site Support Groups (SSGs) promoting conservation and alternative livelihoods at Important Bird Areas, especially those without official protection status.
- Developed partnerships among Government and non-government organizations for sustainable conservation action at IBAs, now KBAs, through the Important Bird Areas National Liaison Committee (IBA-NLC) – now the Key Biodiversity Areas National Liaison Committee (KBA-NLC). We work with others in the development of policies, legislation and institutional frameworks that safeguard the ecological sustainability of KBAs in Kenya
- Mobilized resources to connect nature and people to take action for biodiversity conservation through development and implementation of donor funded projects at priority KBAs in Kenya.
- Work globally through the BirdLife International Partnership and its network of like-minded organizations in Eastern Africa and beyond in 117 countries and territories.

For more information visit our website at www.naturekenya.org.

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The National Assembly

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NAIROBI.

RE: SUBMISSIONS PERTAINING TO THE PEST CONTROL PRODUCTS BILL 2025 (NATIONAL ASSEMBLY BILL NO. 48 OF 2025)

Good evening Clerk of the National Assembly?

Please see my submissions with regards to the above cited subject matter.

Pursuant to the Constitution of Kenya 2010 as read with the PEST CONTROL PRODUCTS BILL 2025:

I propose/amend/suggest/proffer the following **Proposed Amendments:**

PART IV Registration of Pest Control Products

Articles 26 to 39

Proposals:

a. Ensure Registration of Pest Control Products helps to balances economic, social and environmental issues in business. It integrates social and environmental considerations in lending decisions; and ensures good governance, transparency and integrity;
b. Registration of Pest Control Products must always conform to promoting environmental protection; embeds resource efficiency and brings about financial inclusion by supporting small and medium enterprises.
c. Registration of Pest Control Products must always create a sustainable value system stipulating that pest control products activities must benefit its staff, shareholders, customers and the economy and conserves the natural environment.
d. Registration of Pest Control Products must always address specific problems especially resource depletion, health care, social exclusion, poverty and unemployment, amongst others by considering society, economy and the environment are the pillars of sustainable development.

PART V Importation, Exportation and Research

Articles 40 to 46

Proposals:

a. Registration of Pest Control Products must always activities of business and industry promote competitive advantages through strategic management, strategic planning, execution to significantly bolster and/or improve production systems through appropriate technologies and processes that utilize resources more efficiently and at the same time produce less wastes; is an important pathway towards environmental sustainability for business and industry.
b. Registration of Pest Control Products must always recognize that facilitating and encouraging inventiveness, competitiveness and voluntary initiatives are necessary for stimulating more varied, efficient and effective options. This is cognizant of the fact that emergence and popularization of sustainable development, has led to concerted efforts by the private sector to integrate sustainability in their operations and activities.
c. Registration of Pest Control Products must always align with the Global Reporting Initiative (GRI), launched by UNEP in 1997 to promote sustainability reporting.

PART IX Miscellaneous Provisions

Articles 63 to 70

Proposals:

a. Registration of Pest Control Products must always align with The International Finance Corporation (IFC) sustainability strategy that focuses on transforming markets, driving innovation and adding value to clients by helping them improve their business performance and enhance ensures economic benefits are shared with the poor and vulnerable, and that development takes place in an environmentally and socially sustainable manner.
b. Registration of Pest Control Products must always adopt sustainability principles and environmental, social and governance (ESG) standards so that they can access funding from international sources.
c. Registration of Pest Control Products must have an elaborate framework **(Environmental Mitigation, Preventive, Corrective and Management Plan)** for reviewing, evaluating and mitigating and/or avoiding environmental and social impacts and risks associated with Pest Control Products projects they finance and manufacture for.
d. Factor and consider **Economic sustainability,** Economists view sustainability as a way of defending economic efficiency. Due to resource scarcity, they should be allocated efficiently to maximize their utility. The operations and activities of an organization should contribute to overall economic growth and stability, with minimal negative impact on the environment or society.
e. Economic sustainability also entails the adoption of risk management guidelines;
f. Registration of Pest Control Products should consider **Social Sustainability** which relates to the social dimension of the activities and operations of pest control product manufacturers in order to bolster fairness in distribution of opportunities, promote CSR social ventures like health and education, gender equity, political accountability, transparency and public participation, employee training and development, workplace health and safety, hiring of staff from diverse backgrounds, preservation of local

cultures, provision of products and services for disadvantaged groups and representation of stakeholders interests, local communities and minority shareholders.

g. Registration of Pest Control Products should consider **Environmental Sustainability** by minimizing overreliance on environmental goods for development purposes is occasioning resource depletion. This has necessitated the need for sustainable use of resources and conservation of the environment. Environmental sustainability aims at striking a balance between the productive levels of the environment and the consumption levels of the population.
h. Registration of Pest Control Products should develop an elaborate (Environmental Mitigation, Preventive, Corrective and Management Plan) to guide execution of adaptation and mitigation efforts to climate change will require the concerted efforts of all, including the pest control products sector in to avert environmental threats, like climate change, have knock-on effects on key sectors of the economy such as agriculture, tourism, transport and energy. This shall go a long way to ameliorate issues emanating as a result of compliance with environmental legislation especially air emissions and responses to climate change, energy and resource consumption, environmental impacts associated with products and services.
i. Review of the environmental behaviour of their pest control products clients, potential contingent liabilities from new legislations, and potential new markets for environmental services and environmentally friendly products.
j. Registration of Pest Control Products should adopt and adhere to environmental management systems such as the use of green energy, circular economy in proper and good usage of water, secure untapped investment opportunities mostly renewable energy, energy efficiency, cleaner production processes and technologies, biodiversity conservation;
k. **Miscellaneous Provisions of the Registration of Pest Control Products** should align with sustainability impact assessments; regulatory impact assessments, poverty impact assessments, environmental impact assessments and strategic environmental assessments, mitigation of climate change, biodiversity or wildlife, reduction of emissions, regulation of genetic modified organisms, and exploitation of natural resources.

Yours Faithfully,

Ms. Lydia Nyawira Mburia-0711850405/0743864426

NEMA EIA & SEA Associate Expert Number 7872,

German DAAD Summer School Fellow

Fellow Africa Group of Negotiators & Experts (AGNES)

BA Community Development, MBA Natural Resource Management

Dated this: 27th Day of June 2026