

SPECIAL ISSUE

371

Gazette Supplement No. 28

28th February, 2025

(Legislative Supplement No. 20)

LEGAL NOTICE No. 53



THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

ARRANGEMENT OF REGULATIONS

Regulation.

PART I—PRELIMINARY PROVISIONS


- 1—Citation.
- 2—Interpretations
- 3—Objectives.
- 4—Application.

PART II—CLASSIFICATION AND CONTROL MEASURES

- 5—Classification.
- 6—Licensing requirement.
- 7—Restriction, reduction and prohibition.
- 8—Packaging, storage and transport.
- 9—Labeling.
- 10—Material safety data sheet.
- 11—Advertisement.
- 12—Technicians and servicing companies.
- 13—Recovery, retrofit, reuse, recycling or disposal.

PART III—PRODUCTION, IMPORTATION AND EXPORTATION

- 14—License to produce.
- 15—License to export.
- 16—License to import.
- 17—Application for consent to transit.
- 18—Permit to import or export.
- 19—Acknowledgement and processing of application.
- 20—Communication of decision
- 21—Validity and renewal of licence.
- 22—Conditions of licences and permits.

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 MAR 2025 DAY. Tuesday	
TABLED BY:	Hon. Owen Baya, MP Deputy Majority Leader.
CLERK-AT THE-TABLE:	Getrude Chebet

- 23—Transfer of licence and permit.
24—Revocation or suspension of licence or permit.
25—Variation of licence.
26—Sub-standard imports.
27—Importation and handling without a licence or permit.
28—Refrigeration and air conditioning equipment.

PART IV—MONITORING PROVISIONS

- 29—Monitoring and licensing by the Authority.
30—Obligations of licensees.
31—Reports by licensees.
32—Register.

PART V—MISCELLANEOUS PROVISIONS

- 33—Publication of controlled substances and persons holding licences or permits.
34—Venting and refilling.
35—General penalty for offences
36—Public access to records

SCHEDULES

First Schedule – Classification of controlled substances

Second Schedule – Forms

Third Schedule – Material Safety Data Sheet, Refrigerant identifier and leak detectors and registers

Fourth Schedule – Declarations and records

Fifth Schedule – Report on the
importation/exportation/sale/stocking/storage/purchase of
controlled substances

Sixth Schedule – Fees

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION ACT

(Cap. 387)

IN EXERCISE of the powers conferred by section 147 of the Environmental Management and Co-ordination Act, the Cabinet Secretary for Environment, Climate Change and Forestry upon Consultation with relevant lead agencies, makes the following Regulations—

THE ENVIRONMENTAL MANAGEMENT AND CO-
ORDINATION (CONTROLLED SUBSTANCES) REGULATIONS,
2025

PART I—PRELIMINARY PROVISIONS

1. These Regulations may be cited as the Environmental Management and Co-ordination (Controlled substances) Regulations, 2025.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretations

“American Society of Heating, Refrigerating and Air Conditioning Engineers” or “ASHRAE” means the organization devoted to the advancement of indoor-environment-control technology in the heating, ventilation and air conditioning industry;

“Chemical Abstract Service Registration Number” or “CAS Number” means the unique and specific numeric identifier that may contain up to ten digits, divided by hyphens into three parts, designated to only one substance regardless of how many other ways the substance can be described.

“chlorofluorocarbon” means a substance listed in the First Schedule of these Regulations

“competent authority” means an authority on matters relating to controlled substances designated by an importing or exporting country;

“consumption: means production plus imports minus exports of controlled substances;

“controlled substance” means a substance set out in the First Schedule;

“critical use” means, with respect to the use of a controlled substance or of a product that contains a controlled substance, a use that is necessary for health and safety or is critical for the good functioning of society, encompassing its cultural and intellectual aspects and which does not have available alternatives;

“Harmonised Systems Code” or “HS Code” means the six-digit description and coding system developed and maintained by the World Customs Organization for classification of goods in international trade and is used by customs authorities worldwide for identifying traded products, including chemicals;

“hydrobromofluorocarbon” means a substance listed in First

Schedule;

“hydrochlorofluorocarbon” means a substance listed in First Schedule;

“hydrofluorocarbons” means a substance listed in Annex F of the First Schedule;

“material safety data sheet” includes written instructions given by a manufacturer on how to use, handle, store, transport, or dispose of a controlled substance;

“pre-shipment use” means those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country;

“quarantine”, with respect to methyl bromide, means treatments to prevent the introduction, establishment or spread of quarantine pests (including diseases), or to ensure their official control;

“ozone depleting substance” means a substance that depletes the ozone layer set out in the First Schedule, whether existing alone or in a mixture;

“Ozone Secretariat” means the Secretariat for the 1985 Vienna Convention on the Protection of the Ozone Layer and 1987 Montreal Protocol on Substances that Deplete the Ozone layer;

“phase-out (banning) schedule” means to discontinue the production and import of controlled substances consistent with the schedules developed under the Montreal Protocol;

“phase-down (reduction) schedule” means to cut down or decrease the production and import of hydrofluorocarbons consistent with the schedules to the Montreal Protocol to phase down hydrofluorocarbons;

“prior informed consent” means such consent as may be given by a competent authority before the importation or exportation of a controlled substance and equipment that contain controlled substances;

“production” means the amount of a controlled substance produced minus the amount destroyed by approved technologies and minus the amount entirely used as feedstock in the manufacture of other chemicals and does not include recycled and reused amounts;

“product” means a product containing a controlled substance listed in Annex D of the First Schedule;

“refrigeration and air-conditioning equipment” or “RAC equipment” means refrigeration and air conditioning equipment that use controlled substances and non-ozone depleting alternatives;

“refrigerant gas analyzer or identifier” means equipment used to determine refrigerant type and purity in refrigerant storage cylinders or directly in vehicle or other air conditioning systems;

“Secretariat to the Multilateral Fund” means the Secretariat to the

Multilateral Fund for the Implementation of the Montreal Protocol; and

“UN number” means the four-digit number that identifies dangerous goods.

3. The objectives of these Regulations are—

Objectives.

- (a) to protect the ozone layer from chemicals that deplete it; and
- (b) to regulate trade and practice in controlled substances.

4. (1) These Regulations shall apply to the management of controlled substances and equipment containing controlled substances including storage, handling, production, packaging, import, export, transit, use and disposal.

Application.

(2) These Regulations shall not apply to controlled substances or equipment containing controlled substances for critical uses.

PART II—CLASSIFICATION AND CONTROL MEASURES

5. (1) Controlled substances and equipment shall be classified as set out in the First Schedule.

Classification.

(2) The First Schedule shall consist of the following categories—

- (a) Category I consisting of halogenated chlorofluorochemicals with ozone depleting substances of less than 0.1 to 10 as specified in annex A and B;
- (b) Category II consisting of partially halogenated fluorochemicals with ozone depleting substances of less than 0.12 and defined as transitional substances as specified in annex C Group I;
- (c) Category III consisting of hydrobromofluorocarbons with ozone depleting substance estimated to vary from 0.1 to 1.00 specified in annex C Group II;
- (d) Category IV consisting of bromochloromethane with ozone depleting substances as specified in annex C Group III;
- (e) Category V consisting of equipment containing controlled substances as specified in annex D;
- (f) Category VI consisting of halogenated bromochemicals with ozone depleting substances as specified in annex E; and
- (g) Category VII consisting of hydrofluorocarbons as specified in Annex F.

6. (1) No person shall produce, import or export any controlled substance specified in Annex A, Annex B, Annex C, Annex E or Annex F of the First Schedule without a licence issued by the Authority.

Licensing requirement.

(2) No person shall produce, import or export any equipment specified in Annex D of the First Schedule containing or designed to use any controlled substance without a licence issued by the Authority.

7. (1) The Cabinet Secretary may, on the advice of the Authority in consultation with the relevant lead agencies, by notice in the *Gazette*, prohibit or restrict the production or consumption of controlled substances.
- (2) The Authority shall maintain a register of controlled substances that have been prohibited or restricted under sub-regulation (1).
8. No person shall store, sell or consign for transport a controlled substance unless—
- the controlled substance is in an impervious container;
 - the controlled substance conforms to the relevant Kenya Standard or international Standards; and
 - the container is sufficiently strong to prevent leakage arising from ordinary risks of handling and transportation.
9. (1) No person shall deal in, import, export, transport or store any controlled substance without a legible and visible label on the container.
- (2) Every label on a container of a controlled substance or equipment shall contain—
- the chemical name, chemical formula, trade name, and ASHRAE and HS Code listing of the controlled substance or equipment;
 - the name and address of the manufacturer of the controlled substance or equipment;
 - the name of the country of origin of the controlled substance or equipment;
 - the words “Controlled substances/equipment - Not ozone or climate friendly”;
 - a symbol indicating that the controlled substance or equipment is harmful to the ozone layer;
 - the name of the seller and address of the premises on which it is sold if supplied for sale, other than wholesale;
 - the name and address of supplier if supplied otherwise than for sale; and
 - the information on the label shall be in the English and Kiswahili languages and shall be conspicuous, legible and durable.
10. (1) No person shall store, distribute, transport or otherwise handle a controlled substance unless accompanied by a material safety data sheet in Form A as set out in the Third Schedule.
- (2) Any person producing or importing a controlled substance shall, at the time of production, packaging or importation, ensure that the material safety data sheet accompanies the produced, packaged or

Restriction,
reduction and
prohibition.

Packaging,
storage and
transport.

Labelling.

Material safety
data sheet.

imported controlled substance.

11. Any person who advertises any controlled substances or equipment containing a controlled substance shall ensure that the advertisement carries the words "Warning: contains chemicals, materials or substances that deplete or have potential to deplete the stratospheric ozone layer or harm the climate" in both English and Kiswahili languages.

Advertisement.

12. (1) No person shall repair, maintain, replace or retrofit RAC equipment unless that person has been authorized, registered and licensed or certified by the Authority upon payment of the fee set out in the Sixth Schedule.

Technicians and servicing companies.

(2) A person or firm applying for authorization to repair, maintain, replace or retrofit RAC equipment under sub-regulation (1) shall—

- (a) apply in Form 1 as set out in the Second Schedule;
- (b) apply for a licence to practice in Form 2 as set out in the Second Schedule;
- (c) possess the necessary training qualifications and certification from a recognized institution;
- (d) have attended a training course on ozone and climate-friendly alternatives to controlled substances;
- (e) undertake continuous professional development courses in respect of the licenced activity;
- (f) wear the correct personal protective equipment, possess appropriate work equipment and leak detectors as specified in the Third Schedule; and
- (g) ensure regular maintenance and calibration of work equipment, refrigerant recovery units and leak detectors.

(3) The Authority shall issue a successful applicant with a practicing licence in Form 3A as set out in the Second Schedule.

13. (1) Any person intending to recover, retrofit, reuse, recycle or dispose of a controlled substance or equipment or product containing a controlled substance shall—

Recovery, retrofit, reuse, recycling or disposal.

- (a) notify the Authority in Form 3 as set out in the Second Schedule;
- (b) engage a qualified refrigeration technician duly registered and licenced or certified by the Authority in accordance with these Regulations;
- (c) follow guidelines and standard operating procedures on safety, capture, storage, prevention of gases' release issued by the Authority or any other relevant lead agency;
- (d) label retrofitted units using appropriate procedures and labels;
- (e) apply and follow good practices during repair and

maintenance of the equipment; and

- (f) dispose of or export to the country of origin for disposal in accordance with the written law relating to the disposal of controlled substances, equipment or products containing controlled substances.

(2) No person shall dispose of any equipment containing a controlled substance without prior notification to the Authority and that such substances have been recovered to the satisfaction of the Authority.

(3) Any person intending to decommission any equipment or product containing controlled substances shall—

- (a) notify the Authority in Form 4 as set out in the Second Schedule;
- (b) use the checklist set out in the Third Schedule to identify and segregate components containing controlled substances; and
- (c) comply with any directions by the Authority in respect of the decommissioning.

(4) The disposal or destruction of the controlled substances and the equipment or its component shall be done in consultation with the relevant Kenyan and international agencies including the Ozone Secretariat.

PART III—PRODUCTION, IMPORTATION AND EXPORTATION

14. (1) Any person intending to produce or manufacture a controlled substance shall apply for a licence from the Authority.

License to produce.

(2) An application under sub-regulation (1) shall be in Form 5 as set out in the Second Schedule and be accompanied by the fee set out in the Sixth Schedule.

(3) The Authority shall review an application for a licence to produce or manufacture a controlled substance within twenty-one days after receipt and if approved, issue the applicant with a licence in Form 11 as set out in the Second Schedule.

(4) Where the Authority is satisfied with the application, the Authority shall issue a licence in Form 11 as set out in the Second Schedule.

(5) The Authority may impose such conditions as may be necessary to a licence issued under sub-regulation (4).

(6) Where the Authority rejects an application for a licence, it shall communicate its decision in writing to the applicant and provide reasons for the rejection.

15. (1) A person intending to export a controlled substance from Kenya shall apply for a licence from the Authority.

License to export.

(2) An application under sub-regulation (1) shall be in Form 6 as set out in the Second Schedule and shall be accompanied by—

- (a) a duly filled Prior Informed Consent Form issued by the

competent authority of the importing country; and

(b) the fee set out in the Sixth Schedule.

(3) Where the Authority approves an application under sub-regulation (1), I shall issue a licence to the applicant in Form 11 as set out in the Second Schedule.

16. (1) Any person intending import into Kenya a controlled substance or equipment containing a controlled substance shall apply to the Authority for a licence.

License to import.

(2) An application under sub-regulation (1) shall be in prescribed form and the applicant shall indicate the purpose for which the controlled substance is required.

(3) An application to import a controlled substance under sub-regulation (1) shall be in Form 7 as set out in the Second Schedule and shall be accompanied by the fee set out in the Sixth Schedule.

(4) An application to import equipment or a product containing a controlled substance shall be Form 8 as set out in the Second Schedule and be accompanied by the fee set out in the Sixth Schedule.

(5) The Authority shall prescribe the quantity of a controlled substance that an applicant may import into Kenya in accordance with the Montreal Protocol reduction target.

(6) Where it is satisfied with the application, the Authority may grant the applicant with a licence with conditions or reject the application, in writing, specifying the reasons for the rejection.

(7) A person issued with a licence to import a controlled substance or equipment containing a controlled substance shall produce the licence to the custom officials at the port of entry at the time of importation of the controlled substance or equipment.

(8) An application for a licence or permit to import a controlled substance specified in Annex E shall be in Form 7 as set out in the Second Schedule and shall be accompanied by the fee set out in the Sixth Schedule.

(9) A licence to import a controlled substance or equipment containing a controlled substance shall be in Form 11 as set out in the Second Schedule.

(10) A licence to import a controlled substance or equipment containing a controlled substance shall be valid for a period of one year from the date it is issued.

(11) A person issued with an import licence shall keep a full and accurate record of such importation.

17. (1) A person intending to transit a controlled substance destined for another country through Kenya shall apply to the Authority for a consent in Form 9 as set out in the Second Schedule.

Application for consent to transit.

(2) An application for a consent to transport through Kenya a controlled substance shall be accompanied by—

(a) a deposit bond which shall be refundable after the controlled

- substance has been transported outside Kenya;
- (b) the tracking document for the transboundary movement of the controlled substance; and
- (c) any other documents required by the customs authority of the destination country.
18. (1) Where a person licenced to import or export any controlled substance intends to import or export the controlled substance in different quantities and at different times, that person shall apply to the Authority for a permit for each consignment to be imported or exported. Permit to import or export.
- (2) An application under sub-regulation (1) shall be in Form 10 as set out in the Second Schedule and shall be accompanied by the fee set out in the Sixth Schedule.
- (3) Any person issued with a permit under this regulation shall produce the permit to the custom officials at the port of entry or exit.
19. (1) Upon the receipt of an application under these Regulations, the Authority shall screen the application for completeness and acknowledge receipt of the application within seven days. Acknowledgement and processing of application.
- (2) Where an application is not complete, the Authority shall inform the applicant and request the applicant to furnish the Authority with any additional or missing information.
- (3) The Authority may consult the relevant lead agencies when reviewing an application and where the Authority is satisfied that the applicant meets the necessary requirements, the Authority shall approve the application.
- (4) Where the application does not meet the necessary requirements, the Authority shall reject the application.
- (5) A permit to import or export a controlled substance shall be in Form 12 as set out in the Second Schedule.
20. The Authority shall communicate its decision to the applicant, in writing, within twenty-one days of receipt of the application and shall state the reasons for such decision where the application has been rejected. Communication of decision
21. (1) A licence issued under these Regulations, shall be valid for a period of one year from the date of issuance. Validity and renewal of licence.
- (2) A licence issued under these Regulations may be renewed upon—
- (a) submission of an accurate report on—
- (i) importation or exportation; or
- (ii) produced quantities of the previous year importation if applicable; and
- (b) compliance with the provisions of these Regulations.
22. The Authority may impose any conditions on a licence or permit issued under these Regulations that may be necessary for the Conditions of licences and

compliance with these Regulations.	permits.
23. A licence or permit issued under these Regulations shall relate only to the specific activity for which it was issued and shall not be transferable.	Transfer of licence and permit.
24. The Authority may suspend or revoke a licence or permit where—	Revocation or suspension of licence or permit.
(a) the licensee or permit holder has contravened any of the conditions specified in the licence.	
(b) the licensee or permit holder has contravened any provisions of the Act or these Regulations;	
(c) the licensee or permit holder has provided information that is false, incorrect or intended to mislead; or	
(d) the Authority considers it in the interest of the environment or in the public interest to do so.	
25. (1) The Authority may vary a licence or the conditions imposed on a licence upon the application of the licensee or on its own motion where new information is available to the Authority or to the licensee and the Authority is of the opinion that the information may affect the scope of the licence or the conditions imposed on the licence.	Variation of licence.
(2) The licensee may apply for a variation under sub-regulation (1) in Form 13 as set out in the Second Schedule and after paying the fee set out in the Sixth Schedule.	
(3) Where the Authority is satisfied of the need for the variation, it shall issue a certificate of variation in Form 14 as set out in the Second schedule.	
26. (1) Where an imported controlled substance or equipment containing a controlled substance does not meet the specifications of the licence or permit, the Authority shall require the licensee or the permit holder to—	Sub-standard imports.
(a) return the controlled substance or equipment containing the controlled substance to the country of origin at the cost of the licensee or the permit holder; or	
(b) pay for the cost of disposal of the controlled substance or equipment containing the controlled substance by the Authority	
(2) The Authority may revoke the licence or the permit of a person who imports controlled substance or equipment containing a controlled substance that does not meet the specifications of the licence or permit.	
27. (1) Any person who imports a controlled substance or equipment or product containing a controlled substance specified in the First Schedule without a valid licence shall be required to pay for the cost of disposal of the controlled substance by the Authority.	Importation and handling without a licence or permit.

(2) Any person who imports any prohibited controlled substance or equipment or product containing a prohibited controlled substance shall be required by the Authority to—

- (a) return the prohibited controlled substance or equipment or product to the country of origin at that person's cost; or
- (b) pay for the cost of disposal of the prohibited controlled substance or equipment or product by the Authority.

(3) No person, either alone or with any other person or enterprise, shall import, store, stock, exhibit or sell, handle, distribute, transport, use, maintain or provide services of a prohibited controlled substance or equipment or product containing a prohibited controlled substance.

28. (1) Any person intending to import, transit or export equipment and compressors containing or dependent on controlled substance shall apply to the Authority for a upon payment of the fee set out in the Sixth Schedule.

Refrigeration and air conditioning equipment.

(2) No person shall import refrigeration and air conditioning equipment containing or dependent on hydrobromofluorocarbons or hydrobromofluorocarbon compressors as from the 1st January, 2026.

PART IV—MONITORING

29. (1) The Authority shall, in consultation with the relevant lead agencies, monitor the activities of licensees to—

Monitoring and licensing by the Authority.

- (a) determine effects of the controlled substances on human health and environment;
- (b) ensure that licensees comply with the licence conditions; and
- (c) ensure that the licensees comply with the provisions of these Regulations.

(2) In carrying out functions under these Regulations, the Authority shall be responsible for—

- (a) determining quantities of controlled substances and equipment containing controlled substances due for disposal; and
- (b) receiving returns from licensees.

30. (1) Any licensee who imports or produces any controlled substances or equipment or product containing a controlled substance shall ensure that all persons who receive or procure such substances, equipment or products sign the declaration form set out in the Fourth Schedule.

Obligations of licensees.

(2) Any licensee who supplies, sells or distributes any controlled substances or equipment containing such substances shall keep a record of the declaration forms and submit the record to the Authority biannually.

(3) Any licensee who operates a facility to recover or dispose of any controlled substance shall maintain a record of the quantities of

controlled substances recovered, disposed or exported for disposal in the Form set out in the Fourth Schedule.

(4) Any person who sells or supplies or uses a controlled substance or equipment or product for a purpose other than the purpose declared in the declaration Form prescribed in the Fourth Schedule commits an offence.

31. (1) Each person issued with a licence under these Regulations shall keep a complete and accurate record of information relating to the licence, activities undertaken under the licence and conditions imposed under the licence and submit reports to the Authority after every six months in the form set out in the Fifth Schedule .

Reports by
licensees.

(2) Each person who produces, imports, exports or sells any controlled substance shall maintain records and file reports to the Authority in the Form set out in the Fifth Schedule after every three months.

(3) Each person who stocks or purchases controlled substances shall maintain records and file reports to the Authority in the Form set out in the Fifth Schedule after every six months.

(4) Any person who provides false or misleading information on any matter in these Regulations or neglects to keep records in accordance with these Regulations, commits an offence.

32. The Authority shall establish and maintain a register containing—

Register.

- (a) information on every application received by the Authority;
- (b) information on every decision made by the Authority;
- (c) information on every licence or permit issued by the Authority;
- (d) a record of controlled substances imported, exported, disposed of or in use in Kenya indicating the chemical name, chemical formulae, HS Code listing, CAS number, UN number and the quantities thereof;
- (e) a record of returns made by licensees; and
- (f) any other information that the Authority may deem necessary to preserve.

PART V — MISCELLANEOUS PROVISIONS

33. (1) The Authority shall, on or before the 31st December of every year, publish a list of controlled substances in the *Gazette* consisting of—

Publication of
controlled
substances and
persons holding
licences or
permits.

- (a) controlled substances that were imported in the year, together with the quantities thereof;
- (b) controlled substances that were exported in the year and quantities thereof; and

- (c) all persons or firms holding licences to import and export controlled substances and the annual permitted quota allocations of the controlled substances.
- (2) The Authority shall, on or before the 31st December of every year, publish in the *Gazette* a list of controlled substances and the annual quota thereof allowed for use in Kenya in the succeeding year.
34. (1) No person shall vent or refill any controlled substance other than as prescribed by these Regulations. Venting and refilling.
- (2) A person who vents or refills a controlled substance in contravention of these Regulations commits an offence
35. (1) Any person who contravenes the provision of these Regulations commits an offence and shall be, on conviction, liable to the penalty specified in section 144 of the Act. General penalty for offences
- (2) In addition to any sentence that the Court may impose on a person under section 144 of the Act, the Court may direct that the person upon whom the penalty was imposed—
- (a) returns the controlled substance or equipment containing a controlled substance the country of origin at that person's own cost; or
- (b) pay for the cost of disposal of the controlled substance or equipment containing the controlled substance by the Authority.
36. Any person may on application to the Authority access any records submitted to the Authority under these Regulations other than declared confidential business information. Public access to records

FIRST SCHEDULE

(rr. 2, 5, 6, 27)

Classification of controlled substances

Annex A: Controlled Ozone Depleting Substances

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE ¹ safety group	CAS ² #	UN ³ #	NEW HS code	Ozone Depleting Potential	STATUS
Group I (CFCs)									
CFC-11	Trichlorofluoromethane	CFC ₁₃	R-11	A1	75-69-4	1017	2903.77	1.0	PROHIBITED
CFC-12	Dichlorodifluoromethane	CF ₂ Cl ₂	R-12	A1	75-71-8	1028	2903.77	1.0	
CFC-113	Trichlorotrifluoroethanes	C ₂ F ₃ Cl ₃	R-113	A1	76-13-1		2903.77	0.8	
CFC-114	Dichlorotetrafluoroethanes	C ₂ F ₄ Cl ₂	R-114	A1	76-14-2	1958	2903.77	1.0	
CFC-115	Chloropentafluoroethane	CClF ₂ CF ₃	R-115	A1	76-15-3	1020	2903.77	0.6	
Group II (Halons)									
Halon – 1211	Bromochlorodifluoromethane	CF ₂ BrCl	R-12B1		353-59-3	1974	2903.76	3.0	
Halon – 1301	Bromotrifluoromethane	CF ₃ Br	R-13B1		75-63-8	1009	2903.76	10.0	
Halon – 2402	Dibromotetrafluoroethanes	C ₂ F ₄ Br ₂	R-114B2		124-73-2		2903.76	6.0	

* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

Annex B: Controlled Ozone Depleting Substances											
Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE safety group	CAS#	UN#	NEW HS code	Ozone Depleting Potential	STATUS		
CFC-13	Chlorotrifluoromethane	CF ₃ Cl	R-13	A1	75-72-9		2903.14	1.0			
CFC-111	Pentachlorofluoroethane	C ₂ F ₅ Cl ₅	R-111				2903.77	1.0			
CFC-112	Tetrachlorodifluoroethane	C ₂ F ₂ Cl ₄	R-112				2903.77	1.0			
CFC-211	Heptachlorofluoropropane	C ₃ F ₇ Cl ₇	R-211				2903.77	1.0			
CFC-212	Hexachloridodifluoropropane	C ₃ F ₂ Cl ₆	R-212				2903.77	1.0			
CFC-213	Pentachlorotrifluoropropane	C ₃ F ₃ Cl ₅	R-213				2903.77	1.0			
CFC-214	Tetrachlorotetrafluoropropane	C ₃ F ₄ Cl ₄	R-214				2903.77	1.0			
CFC-215	Trichloropentafluoropropane	C ₃ F ₅ Cl ₃	R-215				2903.77	1.0			
CFC-216	Dichlorohexafluoropropane	C ₃ F ₆ Cl ₂	R-216				2903.77	1.0			
CFC-217	Chloroheptafluoropropane	C ₃ F ₇ Cl	R-217				2903.77	1.0			
Group II											
Tetrachloromethane or carbon tetrachloride											
	CCl ₄			B1	56-23-5	1864	2903.14				
Group III											
1,1,1-trichloroethane or methyl chloroform											
	C ₂ H ₃ Cl ₃		R-140a		71-55-6	2831	2903.19			PROHIBITED	
PROHIBITED											

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE safety group	CAS ² #	UN ³ #	NEW HS code	Ozone Depleting Potential	STATUS
HFC-21**	Chlorodifluoromethane	CHF ₂ Cl	R-22	75-45-6	1018	2903.71	0.055	0.04	RESTRICTED
HFC-31		CH ₃ FCl	R-31				0.02	Required	
HFC-121		C ₂ HFC ₄	R-121				0.01-0.04		
HFC-122		C ₂ H ₂ F ₂ Cl ₂	R-122				0.02-0.08		
HFC-123	Dichlorotrifluoroethane	C ₂ HFC ₃ Cl ₂	R-123	306-83-2		2903.72	0.02		
HFC-124	Chlorotetrafluoroethane	C ₂ HF ₃ Cl	R-124	2837-89-0		2903.79	0.02-0.04		
HFC-124**		CHFClCF ₃	R-124				0.022		
HFC-131		C ₂ H ₂ FC ₃	R-131				0.007-0.05		
HFC-132		C ₂ H ₂ F ₂ Cl ₂	R-132				0.008-0.05		
HFC-133		C ₂ H ₂ F ₃ Cl	R-133				0.02-0.06		
HFC-141	Dichlorodifluoroethanes	C ₂ H ₂ FC ₂			1717-00-6	2903.73	0.005-0.07		
HFC-141b**		CH ₃ CFCl ₂	R-141b			2903.73	0.11		

Partially halogenated fluorochemicals (40 compounds including HFC-21, HFC-22, HFC-123, HFC-124, HFC-141b, and HFC-142) all with ODPs of less than 0.12, are defined as transitional substances.

Annex C: Controlled Ozone Depleting Substances

HCFC-141b	1,1-dichloro-1-fluoroethane	CH_3CFCl_2	R-141b			1717-00-6	2903.73	
HCFC-142	Chlorodifluoroethanes	$\text{C}_2\text{H}_3\text{F}_2\text{Cl}$				75-68-3	2903.74	0.008-0.07
HCFC-142b	1-chloro-1,1-difluoroethane	$\text{CH}_3\text{CF}_2\text{Cl}$	R-142b			75-68-3	2903.74	0.065
HCFC-151		$\text{C}_2\text{H}_4\text{FCl}$	R-151					0.003-0.005
HCFC-221		C_3HFCl_6	R-221					0.015-0.07
HCFC-222		$\text{C}_3\text{HF}_2\text{Cl}_5$	R-222					0.01-0.09
HCFC-223		$\text{C}_3\text{HF}_3\text{Cl}_4$	R-223					0.01-0.08
HCFC-224		$\text{C}_3\text{HF}_4\text{Cl}_3$	R-224					0.01-0.09
HCFC-225	Dichloropentafluoropropanes	$\text{C}_3\text{HF}_5\text{Cl}_2$					2903.75	0.02-0.07
HCFC-225ca**		$\text{CF}_3\text{CF}_3\text{CHCl}_2$	R-225ca					0.025
HCFC-225cb**		$\text{CF}_2\text{ClCF}_2\text{CHClF}$	R-225cb					0.033
HCFC-226		$\text{CH}_3\text{HF}_6\text{Cl}$	R-226					0.02-0.10
HCFC-231		$\text{C}_3\text{H}_2\text{FC}_{15}$	R-231					0.05-0.09
HCFC-232		$\text{C}_3\text{H}_3\text{F}_2\text{Cl}_4$	R-232					0.008-0.10
HCFC-233		$\text{C}_3\text{H}_2\text{F}_3\text{Cl}_3$	R-233					0.007-0.23
HCFC-234		$\text{C}_3\text{H}_2\text{F}_4\text{Cl}_2$	R-234					0.01-0.28
HCFC-235		$\text{C}_3\text{H}_2\text{F}_5\text{Cl}$	R-234					0.03-0.52

ANNEX D* - Equipment** containing controlled substances specified in Annex A

Equipment**

- 1 Automobile and truck air conditioning units (whether incorporated in vehicles or not)
- 2 Domestic and commercial refrigeration and air conditioning/heat pump equipment*** including refrigerators, water coolers, freezers, ice machines, dehumidifiers and air conditioning and heat pump units including Refrigerators Freezers, Dehumidifiers Water coolers, Ice machines Air conditioning and heat pump units
- 3 Aerosol equipment, except medical aerosols
- 4 Portable fire extinguisher
- 5 Insulation boards, panels and pipe covers
- 6 Pre-polymers

Product/Equipment	HS Code/Codes
AC systems (including components and parts)	All codes under 84.15
Refrigerators and freezers	84.18,84.19,85.10
Compressors of a kind used in refrigeration equipment	8414.30

* This annex was adopted by the Third Meeting of the Parties in Nairobi, 21st June 1991 as required by paragraph 3 of Article 4 of the Protocol.

** Though not when transported in consignment of personal or household effects or in similar non—commercial situations normally exempted from customs attention.

*** When containing controlled substances in annex A as a refrigerant and /or in insulating material of the equipment.

Annex E

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE safety group	CAS ² #	UN ³ #	NEW HS code	Ozone Depleting Potential	STATUS
Methyl bromide (Bromomethane)*		CH ₃ Br			74-83-9	1062	2903.39		PROHIBITED

*Only authorized through licence/permit for Quarantine and Pre — shipment uses

ANNEX F: Controlled substances

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE safety group	CAS ² #	UN ³ #	NEW HS code	100-Year Global Warming Potential	STATUS
Non-Ozone Depleting Substances									
Hydrofluorocarbons (HFCs)									
HFC-134		CHF ₂ CHF ₂					2903.39	1,100	License/Permit Required
HFC-134a	1,1,1,2-tetrafluoroethane	CF ₃ CH ₂ F	R-134a	A1	811-97-2	3159	2903.39	1,430	
HFC-152		CH ₂ FCH ₂ F	R-152				2903.39	53	
HFC-152a	1,1-Difluoroethane	CHF ₂ CH ₃	R-152a	A2	75-37-6		2903.39	124	
HFC-125	Pentafluoroethane	CF ₃ CHF ₂	R-125	A1	354-33-6		2903.39	3,500	
HFC-143a	1,1,1-trifluoroethane	CF ₃ CH ₃	R-143a	A2	420-46-2		2903.39	353	
HFC-365mfc		CF ₃ CH ₂ CF ₂ CH ₃	R-365mfc				2903.39	794	
HFC-32	Difluoromethane	CH ₂ F ₂	R-32	A2	75-10-5		2903.39	675	
HFC-41		CH ₃ F	R-41				2903.39	92	

HFC-43-10mcc			CF ₃ CHFCHFCF ₂ CF ₃	R-43				2903.39	1,640
HFC-245ca			CF ₂ FCF ₂ CHF ₂	R-245ca				2903.39	693
HFC-245fa	1,1,1,3,3-Pentafluoropropane		CF ₃ CH ₂ CHF ₂	R-245fa	A1	460-73-1		2903.39	1,030
HFC-123yf	2,3,3,3-Tetrafluoropropene		CH ₂ =CFCF ₃	R-1,2,3,4yf				2903.39	
HFC-227ea	CF ₃ CHFCF ₃			R-227ea					3,220
HFC-236cb	CH ₂ FCF ₂ CF ₃			R-236cb					1,340
HFC-236ca	CHF ₂ CHFCF ₃			R-236ca					1,370
Group II									
HFC-23			CHF ₃	R-23	A1	75-46-7		2903.39	14,800
Hydrofluorocarbons blends (HFCs mixtures)									
R-404A	R143a/125/134a		R-404A	A1/A1	**			3824.78	
R-507A	R143a/125		R-507A	A1	**			3824.78	
R-407A	R32/125/134a		R-407A	A1/A1	**			3824.78	
R-407B	R32/125/134a		R-407B	A1/A1	**			3824.78	
R-407C	R32/125/134a		R-407C	A1/A1	**			3824.78	
R-410A	R32/125		R-410A	A1/A1	**			3824.78	
R-508A	R23/116		R-508A	A1/A1	**			3824.78	
R-508B	R23/116		R-508B	A1/A1	**			3824.78	

License/Permit Required

SECOND SCHEDULE

FORMS

FORM 1

*(r. 12(2)(a))*THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

APPLICATION FOR AUTHORISATION AS A RAC TECHNICIAN OR COMPANY

PART A: DETAILS OF THE APPLICANT

A1: Name of applicant (Individual or Company):

A2: Nationality:

A3: PIN No.:

A4: Company: Local Foreign

A5: Business/Company registration No. (where applicable):

A6: Postal and code Address:

A7: Physical Address: (Road/Street/ Name/No. of Building)

A8: Telephone No.:

A9: E-mail Address:

A10: (i) Applicant's qualifications/or certification (where applicable)
.....

(i) Area of expertise

(ii) Membership of professional body Yes/No.. Specify the name.....

A11: List of professional/certification qualifications and their nationalities (Table format
and attach where applicable) (For Service Company):
.....
.....A11: Experience and training undertaken (Table format):
.....
.....

A12: Application for authorisation as:

RAC Technician: RAC Company: Level I (Artisan Grade III (Beginner)/F gas/capacity to undertake refrigerant recovery
and a single door unit refrigerator)Level II (Artisan Grade II/Craft I and II - Capacity to undertake a split air system, two
door unit, charging and servicing with minimum two years' experience)Level III (Artisan Grade I/Diploma in Refrigeration and Air Conditioning - Capacity of
level I and II technician)A13: Previous registration Number and date of registration (if applicable):
.....

PART B: DECLARATION BY APPLICANT

B I: I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....
.....
Full name in block letters Signature of the Applicant Position

On behalf of.....
Business/Company name and Seal Date

PART C: *FOR OFFICIAL USE*

Approved	<input type="checkbox"/>	Not approved	<input type="checkbox"/>
Comments			
.....			
.....			
.....			
Officer's Name.....			
Designation..... Sign..... Date.....			
Important Notes:			
Make application online at www.nema.go.ke (licensing portal)			

FORM 2

(r. 12(2)(b))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

CERTIFICATE OF REGISTRATION AS RAC TECHNICIAN/COMPANY

Application Reference No:

Registration No:

This is to certify that M/S of
..... (address) has been registered as RAC Technician/Company in
accordance with the provisions of the Environment Management and Co-ordination
(Controlled Substances) Regulation, 2025.

Dated the..... 20....

Signature.....

(Seal)

Director-General,

National Environment Management Authority

FORM 3

(r. 13(1)(a))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Application Reference No.: (For official use)

APPLICATION FOR LICENCE TO PRACTICE A RAC EQUIPMENT
TECHNICIAN/COMPANY

PART A: DETAILS OF APPLICANT

A1: Name of applicant (Individual or Company):

A2: Nationality:

A3: PIN No:

A4: If Company: Local Foreign

A5: Business /company Registration No. (where applicable):
.....

A6: Postal Address:
.....

A7: Physical Address (Road/Street/Building Name/No.)

A8: Telephone No.:

A9: E-mail:
.....

A10: Applicant's qualifications/certification:
.....
.....

A10: List of technicians, their academic/professional qualifications and their nationalities
(where applicable):
.....
.....

A11: Field of Expertise

A12: Experience in RAC activities (Table):
.....
.....

A13: Professional body membership no.

A 14: Application for licence to practice as (Tick where applicable):

Technician: Service Company:

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....

 Full name in block letters Signature of applicant Position

Date.....

On behalf of.....
Firm Name and seal

PART C: FOR OFFICIAL USE

Approved Not approved

Comments.....

Name

Designation.....

Sign Date

Important Notes
 Make application online at www.nema.go.ke (licensing portal)

FORM 3A

(r. 13(3))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Licence No.:

Application Reference No.:

PRACTICING LICENCE FOR RAC EQUIPMENT TECHNICIAN/COMPANY

M/S (Individual/Company) of Postal Address
..... is Licensed to practice in the capacity of a
(RAC Equipment Technician/Service Company)

Registration No.:

in accordance with the provisions of the Environmental Management and Coordination
(controlled substances) Regulations of 2020

Dated the 20.....

Signature

.....

(Seal)

*Director-General,**National Environment Management Authority.*

Note:

This Licence expires on the 31st December, 20

Conditions of Registration/Renewal

1. The Certificate of Registration shall be kept be produced at any reasonable time on reproduced at any reasonable time on request before an Officer of the concerned authority.
2. The registration shall not be done, and shall cease to be valid, if the person to be registered or registered is in violation of these rules.
3. Validity of registration under these rules shall be for a period of twelve months from the date of registration. Its renewal can be done any time after twelve months from the date of registration/renewal.

FORM 4

(r. 13(3)(a))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Notification to the Authority to recover, retrofit, reuse, recycle and or dispose of a
controlled substance, equipment and or an equipment

Applicant's full name:

Address:

Tel. No.:

Cell phone No.:

E-mail: Fax:

Full Name and Address of the Company/Handler:

Company Registration No. (attach copy of the Registration certificate:

NEMA Registration No. (attach copy of the Registration certificate):

Physical Location (county, town, street, L.R No.):

G.P.S. Co-ordinates:

S/No.	Name of controlled substance to be recovered/retrofitted/reused/recycled/disposed	Address of the facility where the controlled substance is being recovered/retrofitted/reused/recycled/disposed	Quantity to be recovered/retrofitted/reused/recycled/disposed	Date of commencement of recovery/retrofit/reuse/recycling/disposal
1.				
2.				
3.				

DECLARATION BY APPLICANT: I hereby certify that the particulars given above are correct or true to the best of my knowledge.

Name:

Signature: Date:

FOR OFFICIAL USE ONLY

Approved/Not approved:

Comments:

Receipt No.:

Amount (KShs):

Officer's Name:

Signature:

Date:

FORM 5

(r. 14(2))

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025**

Notification of decommission equipment or product containing controlled substances

Applicant's full name:

Address:

Tel. No.: Cell phone No.:

E-mail: Fax:

Full Name and Address of the Company/Handler:

Company Registration No. (attach copy of the Registration certificate):

NEMA Registration No. (attach copy of the Registration certificate):

Physical Location (county, town, street, L.R No.):

G.P.S. Co-ordinates:

S. No.	Name of Equipment/Product to be decommissioned	Address of the facility where the equipment to be decommissioned is located	Quantity to be decommissioned	Dates of decommissioning and disposal
1.				
2.				
3.				
4.				

Reasons for decommissioning

Disposal plan for the decommissioned equipment/product:

DECLARATION BY APPLICANT: I hereby certify that the particulars given above are correct or true to the best of my knowledge.

Name:

Signature: Date:

FOR OFFICIAL USE ONLY

Approved/Not approved:

Comments:

Officer's Name:

Signature:

Date:

FORM 6

(r. 15(2))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Application Ref. No:

Application for licence to produce controlled substances

Name of Applicant:

Person Authorized to act on behalf of the Applicant: (Name and Title):

Contact Person (Name and Title)

National ID Card/Passport No:

Contact Person's Physical and Postal Address: Residential)

Company Name:

Physical Address:

Postal Address

Main Business Activity:

Tell/Fax/E-Mail Contacts:

Registration Certificate No.

PIN Number:

hereby applies for a licence to produce the following types of controlled substances.

<i>Types of controlled substances</i>	<i>Quantity to be produced (in Kgs)</i>
1.	
2.	
3.	

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to produce the controlled substance in compliance with the provisions of these Regulations.

Dated, 20

Name

Signature

Witness

Address

Occupation

OFFICIAL USE ONLY:

Date: Received

Amount paid

Receipt No

Signature

Official Stamp

Accepted Rejected

Reason(s) for rejection

Complaint against decision should be addressed to the tribunal and submitted not later than

Date

(Name and Signature of dully authorized officer)

FORM 7

(r. 16(3), 16(8))

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025**

Application Ref No _____

Application for licence to export controlled substances

Name of Applicant _____

Person Authorized to act on behalf of Applicant (Name and Title) _____

Contact Person (Name and Title) _____

National ID Card/Passport No _____

Contacts: Person's Physical and Postal Address (Business) _____

Contacts: Person's Physical and Postal Address (Residential) _____

Company Name _____

Physical Address _____

Postal Address _____

Main Business Activity _____

Tel/Fax/E-mail Contacts _____

Registration Certificate No _____

PIN _____

hereby applies for a licence to export the following types of controlled substances

	Type of controlled substances	Quantity (Kgs)	Country of Export	Name and Address of Importer
1				
2				

Export data for previous year _____

	Type of controlled substances	Quantity (Kgs)	Country of Export	Export Entry Number	Name and Address of Importer
1					
2					

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the controlled substance in compliance with the provisions of these Regulations

Date _____, 20____

Name _____ Signature _____

Witness _____

Address

Occupation

OFFICIAL USE ONLY

Prior Informed Consent Received YES/NO

Date Received

PIN

Amount Paid

Receipt No

Signature

Official Stamp

Accepted/Rejected

Reason(s) for rejection

FORM 8

(r. 16(4))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS 2025

Application Ref No

Application for licence to import controlled substances/application for licence to import controlled substances for quarantine and pre-shipment uses

Name Applicant

Person Authorized to act on behalf of Applicant (Name and Title)

.....

National ID Card/Passport No

Contacts Physical And Postal Address (Business)

.....

Contacts Physical and Postal Address (Residential)

.....

Company Name

Physical Address

Main Business Activity

Tel/Fax/E-mail Contacts

Registration Certificate No

PIN

hereby applies for a licence to import the following controlled substances.

	<i>Type of controlled substances</i>	<i>Quantity to be Imported (Kgs)</i>	<i>Amount Approved</i>	<i>Country of Origin</i>	<i>Name and Address of Licensee</i>
1					
2					
3					

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the controlled substance in compliance with the provisions of these Regulations

Date 20

Name: Signature

Witness:

Address:

Occupation:

OFFICIAL USE ONLY

Date Received:

Amount Paid:

Receipt No.:

Prior Informed Consent (PIC) Issued: Yes/No

PIC Number:

Date of Issue:

Signature:

Official Stamp:

Approved Amount

	<i>Type of controlled substances</i>	<i>Quantity to be Imported (Kgs)</i>	<i>Amount Approved</i>	<i>Country of Origin</i>	<i>Name and Address of Licensee</i>
1					
2					
3					

Accepted/Rejected:

Reasons for rejection:

.....

.....

FORM 9

(r 17(1))

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025**

Application for permit to import equipment containing controlled substances

Applicant's name in full

Address

Tel/Cell phone No

E-mail

Fax

Full Name and Address of the Importer

Physical Location (county, town, street, L R No)

G P S Co-ordinates

Equipment Information

Trade Name	Category of Equipment (industrial, commercial, Domestic (fridge, split air conditioning unit, compressor) etc)	Applicable HS Code	Quantity of equipment to be imported (No. of units and Weight)	Type of controlled substance for the Product	Country of Origin

DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct or true to the best of my knowledge

Name

Signature

Date

FOR OFFICIAL USE ONLY

Approved/Not approved

Comments

Receipt No

Amount (KShs)

Officer's Name

Signature

Date

FORM 10

(r 18(2))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Application Form No

Application for consent to transit a controlled substance through Kenya

Exporter Registration No

- 1 Name
Address
Contact Person
Telephone Fax
Email
- 2 Importer Registration No
Name
Address
Contact Person
Telephone Fax
Email
- 3 Classification and qualities of controlled substances to be transported

	Class	Quantities in Kgs/Litres
1		
2		

Intended period of time for transport

Expected entry date

- 4 Expected exit date
- 5 Description of packaging types

Intended carrier Registration No

- 6 Name
Address
Contact Person
Telephone Fax

Means of transport

7 Written Prior Informed Consent (PIC) from relevant Competent Authority of country of import

Was consent given? YES/NO

If yes, attach copy of the PIC

I/We hereby confirms that the above information and particulars is true and correct

Signature and Stamp

Date

FORM 11

(rr. 14(4), 15(3), 16(9))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Application Ref. No:

Application for permit to import/export a controlled substance

Name of Applicant

License Number Control Period

Quantity licenced to be Imported

Person Authorized to act on behalf of Applicant (Name and Title):

.....

.....

Contact Person (Name and Title):

.....

.....

National ID Card/Passport Number

Contact Person's Physical and Postal Address (Residential):

Company Name:

Physical Address:

Postal Address:

Main Business Activity:

Telephone/Fax/E-Mail Contacts:

Registration Certificate Number:

Personal Identification Number (PIN):

hereby applies for a permit to import the following Controlled Ozone Depleting
Substances.

<i>Class/Type of controlled substance</i>	<i>Trade Name</i>	<i>Quantity (Kgs) to be imported/ exported</i>	<i>Balance of quantity to be imported/ exported</i>	<i>Country of origin/ destination</i>	<i>Name and address of importer/ exporter</i>

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the Controlled Ozone Depleting Substance in compliance with the provisions of these Regulations.

Date:20

Name Signature

Witness

Address

Occupation

OFFICIAL USE ONLY

Date Received

Amount Paid

Receipt No

Signature

Official Stamp

Accepted/Rejected

Reason(s) for rejection

FORM 12

(r 19(5))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Licence to produce/import/export controlled substances

..... is hereby licenced to
produce/import/export the following controlled substances for the period commencing
to

List of controlled substances

<i>Type of controlled substances</i>	<i>Quantity to be produced/imported/exported (Kgs)</i>

Conditions attached to this licence

1

2

Date

DIRECTOR-GENERAL

National Environment Management Authority

Seal

FORM 13

(r. 25(2))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Permit to import/export a controlled substance

is hereby permitted to import the following
shipment of controlled substance(s)

<i>License No.</i>	<i>Type of Controlled Ozone Depleting Substances</i>	<i>Trade name</i>	<i>Approved/licenced quantity (kgs)</i>	<i>Quantity previously imported/ exported</i>	<i>Quantity to be imported/ exported</i>	<i>Balance quantity to be imported/ exported</i>	<i>Country of origin/ destination</i>	<i>Name and address of importer/ exporter</i>

Conditions attached to this licence

1

2

Date

DIRECTOR-GENERAL

National Environment Management Authority

Seal

FORM 14

(r. 25(3))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Application for variation of license or the conditions of the licence

Application Ref No.:

License No.:

PART A: DETAILS OF APPLICANT

A1: Name (Individual or Firm):

A2: Business/Company Registration No.:

A3: Physical Address (Road/Street, Building name/number):

A4: Postal Address and Code:

A5: Name of contact person:

A6: Position of contact person:

A7: Postal Address and code of contact person:

A8: Telephone No:

A9: E-mail:

PART B: PREVIOUS APPLICATIONS * (FILL IF APPLICABLE)

B1: No. of previous variation of controlled substances licence issued. *

B2: controlled substances licence was previously amended.*

PART C: DETAILS OF CURRENT CONTROLLED SUBSTANCES LICENSE

C 1: Name of the current controlled substances licence holder:

C2: Application No. of the current controlled substances Licence:

C3: Date of issue of the current controlled substances License:

PART D: PROPOSED VARIATIONS TO THE CONDITIONS IN CURRENT
CONTROLLED SUBSTANCES LICENCE

D1: Conditions in the current controlled substances licence:

.....
.....

D2: Proposed variation:

.....
.....

D3: Reason for variation:

.....
.....

D4: Describe the environmental changes arising from the proposed variations:

D5 Describe how the environment and the community might be affected by the proposed variations

D6 Describe how and to what extent the environmental performance requirements set out in the initial application previously approved or project profile previously submitted may be affected

D7 Describe any additional measures proposed to eliminate, reduce or control any adverse impacts arising from the proposed variation

Process

PART E. DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand the controlled substances licence may be suspended, varied or cancelled if any information given above is false, misleading, wrong or incomplete

Name Position Signature

Date on behalf of Company name and seal

PART F. OFFICIAL USE

Approved/ Not approved

Comments

Officers name

Signature

Date

Important Notes: Please submit your application online on www.nema.go.ke (licensing portal)

FORM 15

(r. 25)

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Application Ref. No.:

Certificate No.:

Certificate of variation of license or the conditions of the license

This is to certify that the controlled substances No.: issued on.....
(date) to (name of individual/firm)
of. (Postal address) regarding
.....
(produce/ import/export the following controlled substances:

.....
.....

located at (Title No. Locality and County)
has been has been varied to

.....
.....

(nature of variation) with effect from (date of variation) in accordance with the
provisions of the Act.

Dated the..... 20.....

Signature.....

(Seal) Director –General National Environment Management Authority

Conditions of Renewal

1. A variation of controlled substances licence issued under regulation 24 may be issued without the holder of the licence submitting a fresh controlled substances application for produce/import/export if the Authority is satisfied that the proposed variations would comply with the requirements of the original licence.
2. The 'Certificate of controlled substances' shall be kept be and produced at any reasonable time on request before an Officer of the concerned Authority.

THIRD SCHEDULE

Form A

*(r. 10(1))*THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Material safety data sheet

A material safety data sheet or safety data sheet should contain the following items

- 1 Identification
- 2 Hazard identification
- 3 Composition/information of ingredients
- 4 First-aid measures
- 5 Fire-fighting measures
- 6 Accidental release measures
- 7 Handling and storage
- 8 Exposure controls or personal protection
- 9 Physical and chemical properties
- 10 Stability and reactivity
- 11 Toxicological information
- 12 Ecological information
- 13 Disposal considerations
- 14 Transport information
- 15 Regulatory information
- 16 Other information

Form B

(r. 12(2)(f))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Refrigerant identifier and leak detectors

A. Leak Detectors

Principle of operation

1. Indicate the presence of halogen atoms specifically chlorine or fluorine atoms in the air that would be present if the cylinder is leaking.
2. Indicate flammable refrigerants based on combustible gas detector.
3. Indicate non—flammable refrigerants.
4. Ensure regular maintenance and calibration.
5. Any other applicable procedures as recommended by Ozone Secretariat.

B. Refrigerant Identifier/Analyzers

Principle of Operation

1. Identification of ozone depleting substance (ODS) and non-ozone depleting substance (non-ODS).
2. Analyze the composition of certain refrigerant blends, water content, purity and presence of highly flammable substances.
3. Identification of halogens using standard chemical laboratory analysis/methods such as mass spectrometer and gas chromatograph.
4. Ensure regular maintenance and calibration.
5. Any other applicable procedures as recommended by Ozone Secretariat.

FOURTH SCHEDULE

FORM A

(r. 30(3))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025

Declaration No

Declaration by the recipient/buyer of controlled a substance

Information concerning the vendor/supplier

Name of vender/supplier

PIN Number . Telephone

License Number

Address

Information concerning the Buyer/Recipient

Contact person (Name and Title):

National ID Card/Passport Number.

Contact person's physical and postal address (Residential)

Company Name

Physical Address

Postal Address

Main business activity

Telephone/Fax/E-mail contacts

Registration Certificate Number

PIN

Type of Controlled Substance	Quantity (Kgs)	Trade Name	Purpose

I undertake

- (a) not to sell or otherwise supply any of the quantity of the controlled substances received to any person who has not signed a declaration in this format, and

(b) to use all of the controlled substances received for the purpose set out in the declaration but not for any other purpose

I declare that the information provided in this declaration is correct to the best of my knowledge and belief

Designation Signature

Company

Address

Occupation

Witness Signature

FOR OFFICIAL USE ONLY

Date Received

Amount paid

Receipt No

Licence No

Signature

Official stamp

FIFTH SCHEDULE

(i 31(1))

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025Report on the importation/exportation/sale/stocking/storage/purchase of controlled
substances

Name of Licensee

Application Number'

Name of Licensing Officer

Contact Person (Name and Title)

National ID Card/Passport Number.

Contact Person's Physical and Postal Address

Company Name

Physical Address

Postal Address

Main Business Activity

Telephone/Fax/E-mailContacts

Registration Certificate Number

Personal Identification Number

Hereby submits a report on the importation/exportation of the following controlled
substances

<i>Class/Type of controlled substance</i>	<i>Trade Name</i>	<i>Quantity (Kgs) Licensed to be imported/exported</i>	<i>Date of import/export</i>	<i>Quantity imported/exported</i>	<i>Balance to be imported/exported</i>	<i>Country of origin/destination</i>	<i>Name and address of importer/exporter</i>

Use(s) of the controlled substance imported/exported

(a)

(b)

Date of clearance

I declare that the information provided in this report is correct and accurate to the best of my knowledge and belief

Date	Name	Signature
------	------	-----------

Designation

Company

Address

Occupation

Official Use Only

Date Received

Amount paid

Receipt Number

Signature

Official stamp

SIXTH SCHEDULE

(rr. 12(1), 14(1), 15(2)(b), 16(3), (4), (8), 18(1), 25(2))

Fees

S/No.	Description	Fee (Kshs.)
1.	Application for a licence to produce controlled substances	100,000
2.	Application for a licence to export or import controlled substance:	
	(a) 200,000 kg and above	30,000
	(b) 100,000 kg to 199,000 kg	20,000
	(c) 1 kg to 99,000 g	10,000
3.	Application for a permit to export or import a controlled substance:	
	(a) 200,000 kg and above	3,000
	(b) 100,000 kg to 199,000 kg	2,000
	(c) 1 kg to 99,000 g	1,000
4.	Application for licence to import ozone and climate friendly gases (halogen free refrigerants)	—
5.	Application for permit to import Energy Efficient, ozone and climate friendly Refrigeration and Air Conditioning equipment	—
6.	Application to export a controlled substance	7,500
7.	Application for registration as a refrigeration and air-conditioning practitioner	
	(a) Technician (Level I, II and III)	3,000
	(b) Company	30,000
8.	Annual practicing licence as a Refrigeration and Air Conditioning practitioner:	
	(a) Technician – Level I	2,000
	(b) Technician – Level II	3,000
	(c) Technician – Level III	4,000
	(d) Company	15,000

Made on the 17th February, 2025.

ADEN DUALE,
 Cabinet Secretary for Environment,
 Climate Change and Forestry.



STATUTORY INSTRUMENTS ACT, CAP 2A

CERTIFICATE OF COMPLIANCE

UNDER THE ENVIRONMENTAL MANAGEMENT AND

COORDINATION ACT, CAP 387

**THE ENVIRONMENTAL MANAGEMENT AND COORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2025**

In accordance with the powers conferred to a regulation-making authority by section 7(4) of the Statutory Instruments Act, Cap. 2A and pursuant to section 147 of the Environmental Management and Coordination Act, Cap. 387, I, the Cabinet Secretary, Ministry of Environment, Climate Change and Forestry DO HEREBY CERTIFY that a Regulatory Impact Assessment has been undertaken on the proposed Environmental Management and Coordination (Controlled Substances) Regulations, 2025 and that:

- a) The aforesaid Environmental Management and Coordination (Controlled Substances) Regulations, 2025 meet the requirements relating to Regulatory Impact Statement in the Statutory Instruments Act Cap. 2A and that the guidelines therein have been complied with; and
- b) In my opinion, the Regulatory Impact Statement adequately assesses the likely impact of the Environmental Management and Coordination (Controlled Substances) Regulations, 2025.


Dated this 25th Day of February 2025.

HON. ADEN BARE DUALE, EGH

CABINET SECRETARY

MINISTRY OF ENVIRONMENT, CLIMATE CHANGE & FORESTRY

EMCA (CONTROLLED SUBSTANCES) REGULATIONS, 2025

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 11 MAR 2025	DAY.
TABLED BY:	
CLERK-AT THE-TABLE:	

**THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS, 2020**

EXPLANATORY MEMORANDUM

[Sections 2 and 11, Statutory Instruments Act]

PART I

Name of the Statutory Instrument: The Environmental Management and Coordination (Controlled Substances) Regulations, 2020

Name of the Parent Act: The Environmental Management and Coordination Act No. 8. of 1999

Enacted pursuant to: Section 147 of Environmental Management and Coordination Act No. 8. of 1999

Name of the Ministry/Department: Ministry of Environment and Forestry/
National Environment Management Authority

Gazetted on:

Tabled on:

PART II

1. Purpose of the Statutory Instrument

The State of Environment is dynamic and is constantly under threat of anthropogenic and naturally induced phenomena resulting in public health and environmental concerns. To address the destruction of the ozone layer, the international community established the Montreal Protocol on ozone-depleting substances.

Kenya has domesticated the Montreal Protocol and ratified the Kigali Amendment to the Montreal Protocol to phase down production and consumption of hydrofluorocarbons that serve as alternatives to ozone depleting substances.

The purpose of the Environmental Management and Coordination (Controlled Substances) Regulations, 2020 ("the Regulations") is to address the management, storage, handling, production, packaging, import, export, transit, use, and disposal of controlled substances and equipment containing controlled substances.

2. Legislative Context

In 1987, to address the destruction of the ozone layer, the international community established the Montreal Protocol on ozone-depleting substances. The Montreal Protocol's objective is to cut down the production and consumption of ozone-depleting substances, in order to reduce their presence in the atmosphere and thus protect the Earth's ozone layer. The Kigali Amendment to the Montreal Protocol is an international agreement to gradually reduce the consumption and production of hydrofluorocarbons (HFCs). The amendment was agreed upon at the twenty-eighth Meeting of the Parties to the Montreal Protocol held on October 15, 2016, in Kigali.

Kenya has domesticated the Montreal Protocol as part of its obligation to rally behind global efforts to halt depletion of ozone layer amid negative impacts on the environment and human health. The country has also ratified the Kigali Amendment to the Montreal Protocol to phase down production and consumption of hydrofluorocarbons that serve as alternatives to ozone depleting substances.

As a result of these, it was appropriate to amend the Environmental Management and Coordination (Controlled Substances) Regulations, 2007 and update the same to the proposed Environmental Management and Coordination (Controlled Substances) Regulations, 2020. The Regulations are meant to address the management, storage, handling, production, packaging, import, export, transit, use, and disposal of controlled substances and equipment containing controlled substances in Kenya.

It was therefore against this background that the Environmental Management and Coordination (Controlled Substances) Regulations, 2020 were developed.

The Regulations were promulgated pursuant to Section 56 of the Environment Management and Coordination Act, No. 8 of 1999 and the implementation of the Vienna Convention on the Protection of the Ozone

Layer and the Montreal Protocol on Substances that Deplete the Ozone Layer to protect the environment from any harmful effects of the depletion of the ozone layer by managing the importation and consumption of ozone depleting substances.

The Regulations were first promulgated in 2007 to develop a sustainable and environmentally sound system for the management, storage, handling, production, packaging, import, export, transit, use, and disposal of controlled substances and equipment containing controlled substances in Kenya.

Policy BackgroundThe policy objective of the Environmental Management and Coordination Act, 1999 is to provide for the establishment of an appropriate legal and institutional framework for the management of the environment.

Consequently, the Regulations fulfil the policy objectives of the Act by establishing a framework for the management, storage, handling, production, packaging, import, export, transit, use, and disposal of controlled substances and equipment containing controlled substances in Kenya.

Consultation Outcome

A taskforce was constituted to develop this Regulation which consisted of members drawn from the following Ministries and Agencies:

1. Ministry of Environment and Forestry
2. Heating, Ventilation and Air Conditioning (HEVAC) Association
3. Customs Department of Kenya Revenue Authority
4. Kenya Bureau of Standards
5. Ministry of Industrialization, Trade and Cooperatives

In development of this Regulation, stakeholder and public consultations and participation was done. This involved the government agencies, the council of governors, the county government and civil society organizations.

Stakeholder consultation workshops were held in five (5) regions namely the South Rift Region, the Coast Region, the Nyanza / Western Region, the North Rift Region and the Nairobi and Central Region. The South Rift region was held on 28th February 2020 in Nakuru and the other regions were held virtually via zoom on 16th and 17th June 2020 due to the COVID-19 pandemic. Targeted stakeholders' engagement with technicians was also held on 17th June 2020 and another targeted stakeholders' engagement with Importers, Exporters, clearing and forwarding agents, KEPSA, Natural Justice and representative of County Governments was equally held on 18th June 2020. The Consultation outcomes are outlines in Appendix of this document.

The following stakeholders were consulted countrywide:

1. Importers of the controlled Substances
2. RAC service companies and technicians
3. Clearing and forwarding agents for controlled substances
4. Kenya National Chamber of Commerce
5. Kenya Association of Manufacturers
6. Kenya Private Sector Alliance
7. County Governments Ministries and departments
8. Lead Agencies
 - a. Ministry of Environment and Forestry
 - b. Ministry of Trade and Industrialization
 - c. Kenya Revenue Authority
 - d. Kenya Bureau of Standards
 - e. Kenya Plant Health Inspectorate Service
 - f. Directorate of Occupational Health and Safety Services
9. County Governments

- i. Nairobi
- ii. Nakuru
- iii. Eldoret
- iv. Kisumu
- v. Mombasa

10. Environmental Civil Society platforms

11. Civil Society Organizations

There have been numerous consultative meetings within the various lead agencies, technicians, importers and the members of the public among other entities.

Upon the drafting of the Regulations herein, the same was published on the NEMA website and further there was an announcement in the Daily Nation of 9th June 2020 inviting members of the public to submit comments on the Draft Regulations.

The taskforce held stakeholder engagement meetings throughout the country. The first stakeholder engagement meeting was held for the south rift region in Nakuru County on the 28th of February 2020. Subsequently, the taskforce held further stakeholder engagement meetings on 16th and 17th June 2020.

The following stakeholders were consulted countrywide:

1. Importers of the controlled Substances
2. Refrigeration and Air Conditioning (RAC) service companies and technicians
3. Clearing and forwarding agents for controlled substances
4. Kenya National Chamber of Commerce
5. Kenya Association of Manufacturers
6. Kenya Private Sector Alliance

7. County Governments Ministries and departments

8. Lead Agencies

- | | |
|--|---|
| a. Ministry of Environment and Forestry | d. Kenya Bureau of Standards |
| b. Ministry of Trade and Industrialization | e. Kenya Plant Health Inspectorate Service |
| c. Kenya Revenue Authority | f. Directorate of Occupational Health and Safety Services |

9. County Governments

- i. Nairobi
- ii. Nakuru
- iii. Eldoret
- iv. Kisumu
- v. Mombasa

The main issues that arose during the stakeholder consultative forum were licensing and capacity building of technicians, classification of controlled substances, penalties to be imposed.

NEMA clarified that the Regulations provides for a clear outline on the licensing of technicians and even the need to build the capacity. It was also clarified that that all the penalties imposed for offences established by the Regulation are in line with the parent Act, EMCA, and the same cannot be reviewed

1. **Guidance**

2. The Regulations will be availed on the NEMA website where it can easily be accessible by members of the public. as well as prepare brief pamphlets for the ordinary *mwananchi* which will be distributed during public forums/road shows that would be used to explain the Regulations. Further, NEMA shall conduct strategic engagements and awareness creation with RAC technicians through continuous professional development engagements as well as engage the exporters, clearing and forwarding agents, private sector and the Regulatory agencies on a regular basis.**Impact**

2.1 The impact on fundamental rights and freedoms

The Regulations will enhance the enjoyment of fundamental rights and freedoms including principally the right to a clean and healthy environment, as well as the rights to the highest attainable standard of health and to clean and safe water.

2.2 The impact on the public sector

The public will be made responsible on the need to ensure that the controlled substances are regulated for protection of human health and the environment and the role they have to play.

5.3 *The impact on the private sector*

This Regulation will aid the private sector to contribute to the management and conservation of the environment and further enhance the public –private partnerships

2.3 A Regulatory Impact Assessment has been prepared for this statutory instrument.

3. Monitoring and review

The Authority shall from time to time advise the Cabinet Secretary Ministry of Environment & Forestry, Director-General and lead agencies on the effective implementation of the Regulations.

4. Contact

The Director-General
National Environment Management Authority
Popo Road, South C
P.O.BOX 67839-00200,
NAIROBI
E-Mail: dgnema@nema.go.ke

REGULATORY IMPACT STATEMENT

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CONTROLLED SUBSTANCES) REGULATIONS, 2020

Introduction

The State of Environment is dynamic and is constantly under threat of anthropogenic and naturally induced phenomena resulting in public health and environmental concerns.

By 1985, the globe had already seen advancements in the scientific understanding of ozone depletion and its impacts on human health and the environment. It was then that the Vienna Convention for the Protection of the Ozone Layer was created in response. This agreement is a framework convention that lays out principles agreed upon by many parties. It does not, however, require countries to take control actions to protect the ozone layer. This would come later in the form of the Montreal Protocol.

To address the destruction of the ozone layer, in 1987, the international community established the Montreal Protocol on ozone-depleting substances. The Montreal Protocol's objective is to cut down the production and consumption of ozone-depleting substances, in order to reduce their presence in the atmosphere and thus protect the Earth's ozone layer. The Kigali Amendment to the Montreal Protocol is an international agreement to gradually reduce the consumption and production of hydrofluorocarbons (HFCs). The amendment was agreed upon at the twenty-eighth Meeting of the Parties to the Montreal Protocol held on October 15, 2016, in Kigali.

Kenya has domesticated the Montreal Protocol as part of its obligation to rally behind global efforts to halt depletion of ozone layer amid negative impacts on the environment and human health. The country is yet to ratify the Kigali Amendment to the Montreal Protocol to phase down production and consumption of hydrofluorocarbons that serve as alternatives to ozone depleting substances.

As a result of these phenomena, it was appropriate to develop the Environmental Management and Coordination (Controlled Substances) Regulations, 2007. The Regulations were meant to address the management, storage, handling, production, packaging, import, export, transit, use, and disposal of controlled substances and equipment containing controlled substances in Kenya.

It was therefore against this background that the Environmental Management and Coordination (Controlled Substances) Regulations, 2020 were developed.

a) Objectives of the proposed regulations

- I. To protect the earth's ozone layer from chemicals that depletes it.
- II. To regulate trade and practice in controlled substances for protection of human health and the environment.
- III. To support reduction of Green House Gases in particular hydrofluorocarbons (HFCs).

b) Effects of the proposed regulations

The effects of the proposed regulations can be categorised as follows;

I. Economic Effects

There would be no additional financial burden to the Kenyan public save for imposition of new fees to importers and exporters on Controlled Substances by imposition of new fees as outlined in the sixth schedule of the Regulations. The new fees are being reviewed from the 2007 Regulations to address the challenges and gaps that have been experienced in respect to the implementation of the 2007 Regulations.

The Environmental Management and Coordination Act, No. 8 of 1999 was amended in 2015 and the fees therein were revised and updated. The present Environmental Management (Controlled substances) Regulations came into force in 2007 and remains in force to date. It against this background that the current amendment of the Environmental Management (Controlled substances) Regulations was informed.

SIXTH SCHEDULE

ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

(r 9(2), 10 (2), 11(3), 12(2)(b), 13(2), 30)

FEES

The fees chargeable under these Regulations shall be as specified hereunder and shall be non-refundable except as indicated.

- (a) Application for a license to produce Controlled Substances.....Kshs.
100,000

(b) Application for a license to export or import Controlled Substance;

200,000 kg and above.....Kshs. 30,000

100,000 kg - 199,000 kg.....Kshs. 20,000

1 kg - 99,000 kg.....Kshs. 10,000

(c) Application for a permit to export or import a Controlled Substance;

200,000 kg and above.....Kshs. 3,000

100,000 kg - 199,000 kg.....Kshs. 2,000

1 kg - 99,000 kg.....Kshs. 1,000

(d) Application for license to import Refrigeration and Air Conditioning equipment that are Energy efficient and dependent on non-Controlled Substance will be Nil

(e) Application for Controlled Substances and Equipment dependent on Controlled Substance;
Deposit bond (refundable)-, insurance and freight value (CIF)

(f) Application to export a Controlled Substance..... Kshs. 7,500

(g) Application for registration as a Refrigeration and Air Conditioning practitioner;
Technician..... Ksh 3000;
Corporate Companies Ksh 30,000

(h) Application for annual license as a Refrigeration and Air Conditioning practitioner
Technician..... Ksh 2000
Corporate Companies Ksh 15,000

(i) Application for (one-off) Importation of Refrigeration and Air Conditioning equipment dependent on Controlled Substances- Ksh 6000

Social Effects

- i. By promoting sound environmental practices and therefore sustainable development, the public would be guaranteed to have a

clean and healthy environment since there would be more efforts geared towards the protection and conservation of our environment.

- ii. Promotes meaningful and inclusive public participation, transparency and social acceptability in management, conservation and protection of our environment.

Environmental Effects

- (i) The protection of the ozone layer from depletion and protection of the environment, human, health, flora and fauna.
- (ii) Ensures the right to a clean and healthy environment while promoting sustainable development.
- (iii) It enhances synergy building and inter-agency coordination among Ministries, Departments, Counties and Agencies (MDCA) in conservation and protection of environment.

(c) Statement of other practicable means of achieving the objectives of the proposed instrument Regulations 2018

Regulatory Options

- i. Enforcement by the relevant Ministries, Departments and Agencies on sectoral issues under their jurisdiction.

Non Regulatory options

- i. The Authority to continue to enhance awareness of best environmental practices.
- ii. Negotiated compliance arrangements.
- iii. Compliance assistance programmes.
- iv. Compliance promotion.
- v. Self-regulation.

(d) Assessment of the Costs and Benefits of the Regulation

- i. No new institution will be set up in the implementation of the Regulations and hence no cost implication from the exchequer.
- ii. Enforcement and Monitoring.

e) Reasons why other measures are not appropriate –

1. The Legal requirement-

- (i) Article 69 (1) (g) of the Constitution of Kenya mandates the Government to *inter alia* establish systems of protecting the environment and eliminate processes and activities that are likely to endanger the environment;
- (ii) Section 147 of the Environmental Management and Coordination Act (EMCA) No. 8 of 1999 provides that the Cabinet Secretary, at the time charged with matters relating to the environment may, on the recommendation of the Authority make regulations prescribing for matters that are required or permitted by EMCA to be prescribed or are necessary. These proposed Regulations are made to amend the current Environmental Management and Coordination (Controlled Substances) Regulations, 2007.

f) Any other matters specified by the Regulations

The review of the Regulations has been of high interest to all stakeholders including importers, exporters, public-private sector, citizens, professionals, civil society, development partners and academia.

g) Adequacy of the regulatory impact statement - Independent Advice.

To undertake the regulatory impact assessment and to guide on the formulation of the Regulations, the Director General NEMA constituted a taskforce with representation from the following;

- Ministry of Environment and Forestry (National Ozone Unit)
- National Environment Management Authority (NEMA)
- Heating Ventilation Air Conditioning (HEVAC) Kenya
- Kenya Revenue Authority (KRA)
- Kenya Bureau of Standards (KEBS)

The Terms of Reference for the task force were;

- To undertake a detailed review of the Environmental Management and Coordination (Ozone Depleting Substances) Regulations, 2007, including the scope, structure, outline challenges and barriers of implementation.
- To review the Environmental Management and Coordination (Ozone Depleting Substances) Regulations and identify concrete areas for improvement and recommend options and strategies for adoption in the amended Regulations.
- To undertake stakeholder consultations in the process of delivering amended Regulations.
- Prepare the Regulatory Impact Statement for the Regulation
- Coordinate the finalization of the instrument and the Gazette notice.
- Prepare the Explanatory Memorandum

- Perform any other task related to the amendment of the Regulations until finalization.

In order to effectively execute the above mentioned TORs, the taskforce undertook the following activities;

1. Comprehensive literature review
2. Rigorous stakeholder consultation was done in line with the Statutory Instrument Act, 2013 covering the following regional and targeted stakeholder consultation;
 - a. South Rift region stakeholders.
 - b. Refrigeration and Air Conditioning (RAC) Technicians
 - c. Importers of Controlled Substances
 - d. Lead agencies
 - e. County Governments.
 - f. Kenya Association of Manufacturers;
 - g. Kenya Private Sector Alliance
3. Drafting sessions

This was undertaken by the Controlled Substances Taskforce on behalf of Director General, NEMA.

The Director-General

National Environment Management Authority

Popo Road, South C

P.O.BOX 67839-00200,

NAIROBI

dgnema@nema.go.ke



National Environment Management Authority

CALL FOR MEMORANDA AND COMMENTS ON THE DRAFT ENVIRONMENTAL MANAGEMENT (CONTROLLED SUBSTANCES) REGULATIONS, 2020

The National Environment Management Authority (NEMA) pursuant to the Environmental Management and Coordination Act (EMCA) Act No. 8 of 1999 and in consultation with other stakeholders has prepared a draft Environmental Management (Controlled Substances) Regulations, 2020. The draft regulations are intended to repeal the Environmental Management (Controlled Substances) Regulations, 2007.

The overall objective of the Environmental Management (Controlled Substances) Regulations, 2020 is to align it to the Environmental Management & Coordination Act No. 8 of 1999 which was amended in 2015. The Regulations also seek to propose legislative areas of amendment as informed by development in international law, provide for controlled substances used in laboratories, refrigeration and air-conditioning as well as refrigeration and air-conditioning dependent equipment.

Pursuant to the Constitutional requirement for public participation and stakeholder engagement during the formulation and review of legal instruments, and to harmonize and have equity on the draft regulations, the Authority requests the public to submit their views and comments on the draft Environmental Management (Controlled Substances) Regulations, 2020 which can be accessed through the website www.nema.go.ke.

Written representation and memoranda on the Draft Regulations may be submitted by email to odsregulations@nema.go.ke / odsregulations@gmail.com addressed to the attention of the Director General, National Environment Management Authority or sent to;

**Director General,
National Environment Management Authority
Popo Road, South C, off Mombasa Road
National Environment Management Authority,
P.O.BOX 67839-00200,
Nairobi.**

Telephone enquiries should be directed to the **Director Legal Services** through telephone number **0723398628** between **8 am and 3 pm Monday to Friday**. The representations or comments on the regulations should reach the Authority not later than 14 days from the date of this publication.

Members of the public are further notified that, in view of the public health threat of COVID 19 and the COVID 19 rules, no public hearings or oral submissions on the regulations will be held.

Report incidences and complaints: NEMA incident lines: **0786 101100, 0741 101100**



**National Environment Management
Authority - Kenya**



@NemaKenya

KENYA





nema
mazingira yetu | uhai wetu | wajibu wetu

**MEETING REPORT
STAKEHOLDERS MEETING TO RECEIVE COMMENTS ON THE
REVIEW OF THE ENVIRONMENTAL MANAGEMENT AND
COORDINATION (CONTROLLED SUBSTANCE)
REGULATIONS, 2020
THE ALPS HOTEL, NAKURU**

27TH FEBRUARY 2020

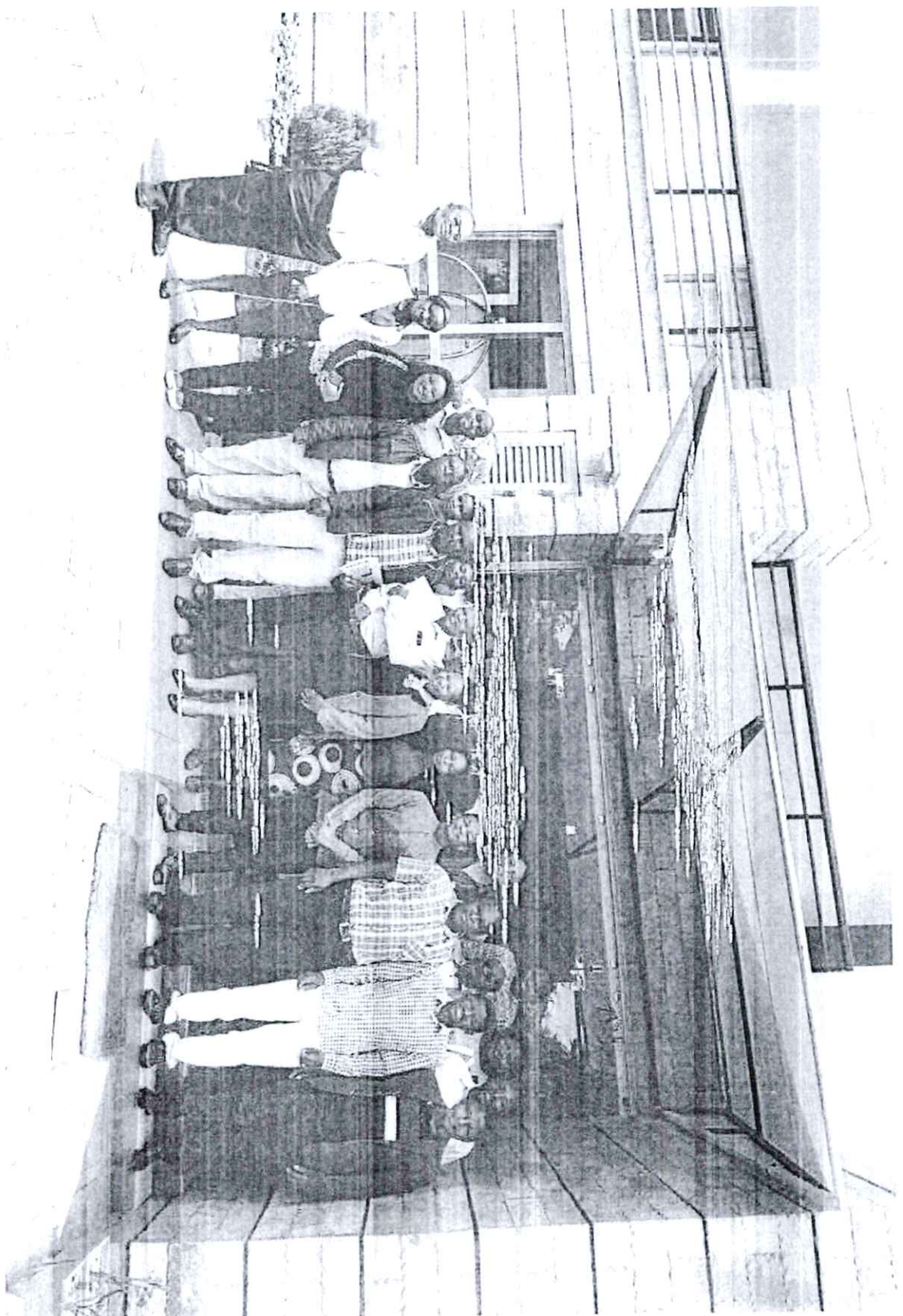


Table of Contents

Brief overview	3
Representation	4
Preliminaries	4
Opening remarks.	4
Presentations.....	5
Plenary discussions	6
Conclusion.	9
ANNEXURE	10

1.0 BRIEF OVERVIEW

The National Environment Management Authority, through its website, social media handles and official invitation letters invited members of the public to a stakeholder's consultation forum on the Environment Management (Controlled substances) Regulations, 2007. (See annex 1).

2.0 STAKEHOLDERS' FORUM

2.1 Representation

See annex one for list of participants

List of counties	No. of people present per county
Nakuru	27
Samburu	4
Narok	7
Baringo	5
Bomet	5
Kericho	2
Nyandarua	4
Uasin Gishu	5
Nairobi	6
Kisii	1
Migori	1
Nandi	3
Vihiga	1

Total no. of counties(8)

72

The meeting was attended by a total of 108 people who included stakeholders from the South Rift, Political leadership, Community Based Organizations (CBOs), youth representatives, media and learning institutions.

2.2 MEETING

The meeting was called to order by Ms. Reagan Awino from the National Environment Management Authority - Headquarter Office and a volunteer from the attendees led with a word of prayer.

PRELIMINARIES

Opening remarks

The meeting started with a session of self-introduction by the attendees who also stated their expectations in the stakeholder engagement.

Mr. Edward Wabwoto from the NEMA legal services department welcomed the stakeholders to the engagement on behalf of the Director of Legal Services (NEMA). He stated that the ODS Regulations was one of the seven regulations NEMA has been keen on reviewing. He further stated that the ODS Regulations was one of the Regulations that was being amended to be aligned to EMCA and the Constitution of Kenya 2010. The review was also being done to reflect the emerging challenges that have been experienced over time in the implementation of the said Regulation. He acknowledged and appreciated representatives from the neighbouring counties and urged them to give their views. He challenged the participants to participate actively, either through oral submissions or by filling in the distributed forms.

Brian Ochieng, County Environment Officer, from NEMA Nakuru County made brief remarks on behalf of the County Director of Environment, Nakuru Mr. Solomon Kihiu and officially welcomed all stakeholders present to the meeting.

Presentations

Background information & Proposed Amendments - presented by Ms. Selelah Okoth.

Ms. Selelah Okoth, the Principal Compliance and Enforcement officer from NEMA gave an outline of the presentation which entailed:

- Ozone layer and its depletion.
- Sectors where ODS were/are being used.
- Effects of Ozone layer depletion.
- Controlled substances regulations.
- Approaches to implementation of the regulations.
- Gaps in the regulations.
- Proposed amendments.

She outlined the relationship between Kenya and the Montreal Protocol, further highlighting the responsibility we are tasked with as a country to reach a common global goal to reduce ozone depletion. As such she drew attention as to the importance of review and discussion on environmental legislations.

Through the years, the Montreal Protocol has gone through a number of amendments including the most recent one, The Kigali Amendment on HFC Phase-down. Kenya as a party has a set phase-out of HCFCs and phase-down of HFCs as its main objective in order to comply with the requirements set out

at the Montreal Protocol.

She explained what the Ozone layer is, in addition to the negative effects of Ozone depletion. She further stated that the Ozone layer protects us from the sun's rays, acting like a blanket that absorbs excess heat. As such, depletion of the Ozone layer, which is as a result of our activities, exposes us to health risks such as skin cancer, eye cataracts and less crop yields.

She also outlined the various types of Controlled Substances and those available in the market. In addition, she highlighted the banned substances and restricted substances including the HFCs.

She further listed current approaches to the implementation of the regulations, which include:

- Licensing and Permitting
- Compliance Assistance and Promotion
- Periodic reporting to the Ozone Secretariat and the Multilateral Fund Secretariat on the imports and exports of controlled substances
- Receiving import and export reports from licensees
- Processing and forwarding Prior Informed Consent (PIC) to the Competent Authority from the countries of importation
- Receiving PIC from the competent authorities of the exporting countries
- Monitoring and Enforcement
- Disposal of controlled substances, case by case.

The stakeholders were informed of the gaps identified by the taskforce in the regulations that have hindered adequate compliance to the Montreal Protocol requirements as outlined below;

- Lack of risk assessment approach in determining license and permit processing fee. Currently, the fee has not been defined by the quantities of the imported controlled substances *vis a vis* the degree of potential harm to the environment and public health.
- Lack of legal provision on quota system for HCFC and HFC allocations
- Lack of a legal provision on refrigeration and air-conditioning (RAC) technicians and servicing companies
- Lack of a legal provision on RAC equipment dependent on the controlled substances
- Lack of a legal provision on HFC dependent equipment by January 2021
- Inadequate legal provisions on compliance requirements for importers and proprietors
- Inadequate provisions for enforcement on the clearance of imported controlled substances.
- Weak provisions on monitoring and data reporting.

The presenter highlighted the proposed amendments by the taskforce to address the gaps within the controlled substances regulations as follows;

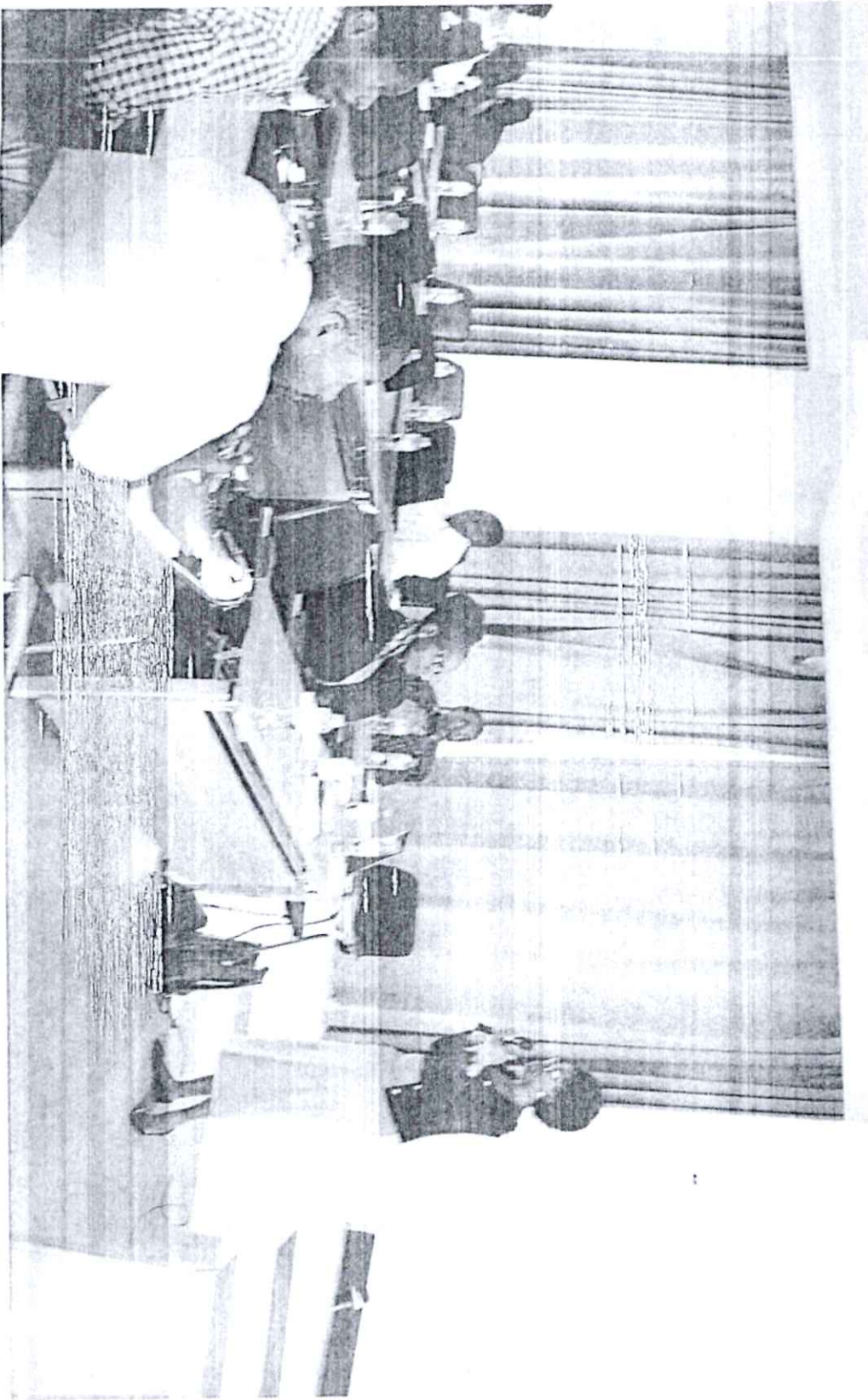
1. Licensing

- A risk based approach to license and permit processing fee defined by quantities of RAC gases (controlled substances) and degree of potential to the environment and leveling the playing field (encourage the trade sector)
- Zero-rate the ODS and HFC alternatives (Low GWP and zero ODP).
- Fees charged based on the quantities imported
- Fees to be charged based on RAC equipment dependent on Controlled Substances (HCFC & HFC)

No.	Fees	Amount (Kes)	
		License	Permit
A	RAC Gases		
	200,000 kg and above	30,000	3,000
	199,000 to 1000,000kg	20,000	2,000
	99,000 to 200 kg	10,000	1,000
	HFC Phased-down Limits		
B	Low GWP and zero ODP Refrigerants	Zero-rated	
C	RAC Corporate Companies and Technicians	Registration – once	Annual License Renewal

	Corporate Companies	30,000	15,000
	Technicians	3,000	2,000
D	RAC equipment dependent on Controlled Substance - Importation	6,000/=	
E	RAC equipment that are Energy efficient and dependent on non-Controlled Substance.	Zero-rated	

- Controlled substances which are contained in equipment such as compressors are classified under the applicable code for such equipment (provide a schedule in the annex)
- Zero-rate RAC equipment that are energy efficient and dependent on non-controlled substances
- Management of controlled substances in terms of; recovery, storage, recycling, reuse, disposal of ODS and retrofitting.



Ms. Selehah Okoth, the Principal Compliance and Enforcement officer from NEMA giving the presentation

PLENARY DISCUSSIONS

The following issues were raised and discussed at the plenary discussions stage.

NO	Name	Institution	Comment/Input	Remarks
1	Victor Osoo	Kenya Pharmaceutical Association-Rift Valley Region	<p>He raised a concern on the CFCs found in inhalers</p> <p>CFCs are used as propellants (spray) to move the albuterol medicine out of the inhaler so patients can breathe the medicine into their lungs. HFAs are a different type of propellant (spray). The albuterol and levalbuterol HFA inhalers have a different propellant called hydrofluoroalkane (HFA)</p>	<p>The response was that CFCs have been banned and as such MDIs have been used as an alternative.</p> <p>Medical Definition of Metered-dose Metered-dose inhaler: Abbreviated MDI. A device that delivers a measured amount of medication as a mist the patient can inhale. A MDI consists of a pressurized canister of medication in a case with a mouthpiece. MDIs are portable, efficient and convenient.</p>
2	Hellen Kanyug	Kenya Pharmaceutical Association	How are the hospitals going to get a relief / exemption to the regulations in regards to the	Although hospitals are consumers they don't fall within the categories

o l Association licensing fee? stipulated under the proposed
The response was that although hospitals are amendments, in exception of category
consumers they don't fall within the categories B which is zero-rated to encourage use
stipulated under the proposed amendments, in of Low GWP zero ODP Refrigerants.
exception of category B which is zero-rated to
encourage use of Low GWP zero ODP Refrigerants.

³ Zena Kosgei KALRO

- How does NEMA follow up on disposal of chemicals and media used in laboratories. the Waste Management Regulations, 2006 stipulate what is considered waste and who is a waste generator.

i. If a waste generator has no capacity to manage waste, they should outsource the service of a facility licensed by NEMA with capacity to manage the waste.

ii. There is a draft legislation on chemical management awaiting gazette, which will be able to address the issue of chemical disposal.

⁴ George Brookside Ouma Dairy LTD

- Expectation would be to understand the current legislation regarding controlled substances. As Brookside, what would be their role in compliance in terms of technicians and refrigeration?

i. As a milk processor, the entity has a number of coolants in their plants. Because you know what regulations are put in place, it is your responsibility

				<p>to ensure that you adhere to the acceptable standards of compliance in place.</p> <p>II. A key area of interest in terms of scope, is refrigeration & air conditioning sector hence in agriculture there is Methyl Bromide which is a controlled substance</p>
5	Henry Kiplagat	Leads Security	<ul style="list-style-type: none"> Clarification of the mitigation measures concerning ODSs that are already in place. 	<p>i. as earlier explained in the presentation the aim of this review exercise is to fill in the gaps of the current legislation to ensure full compliance with the Montreal Protocol/Kigali Amendment.</p>
6	Henry Sabor	KEBS	Product certification. Should the ingredients be licensed before the product certification?	<p>i. Kenya imports ODS and doesn't manufacture. NEMA will work with KRA to ensure the gases meet the requirements when they enter the country.</p>
7	Tony Thuo	KEPHIS Nakuru	<ul style="list-style-type: none"> Are importers allowed to import from countries that are non-party to the 	<p>i. This is a case of non-compliance. The products in this case will</p>

Montreal Protocol?

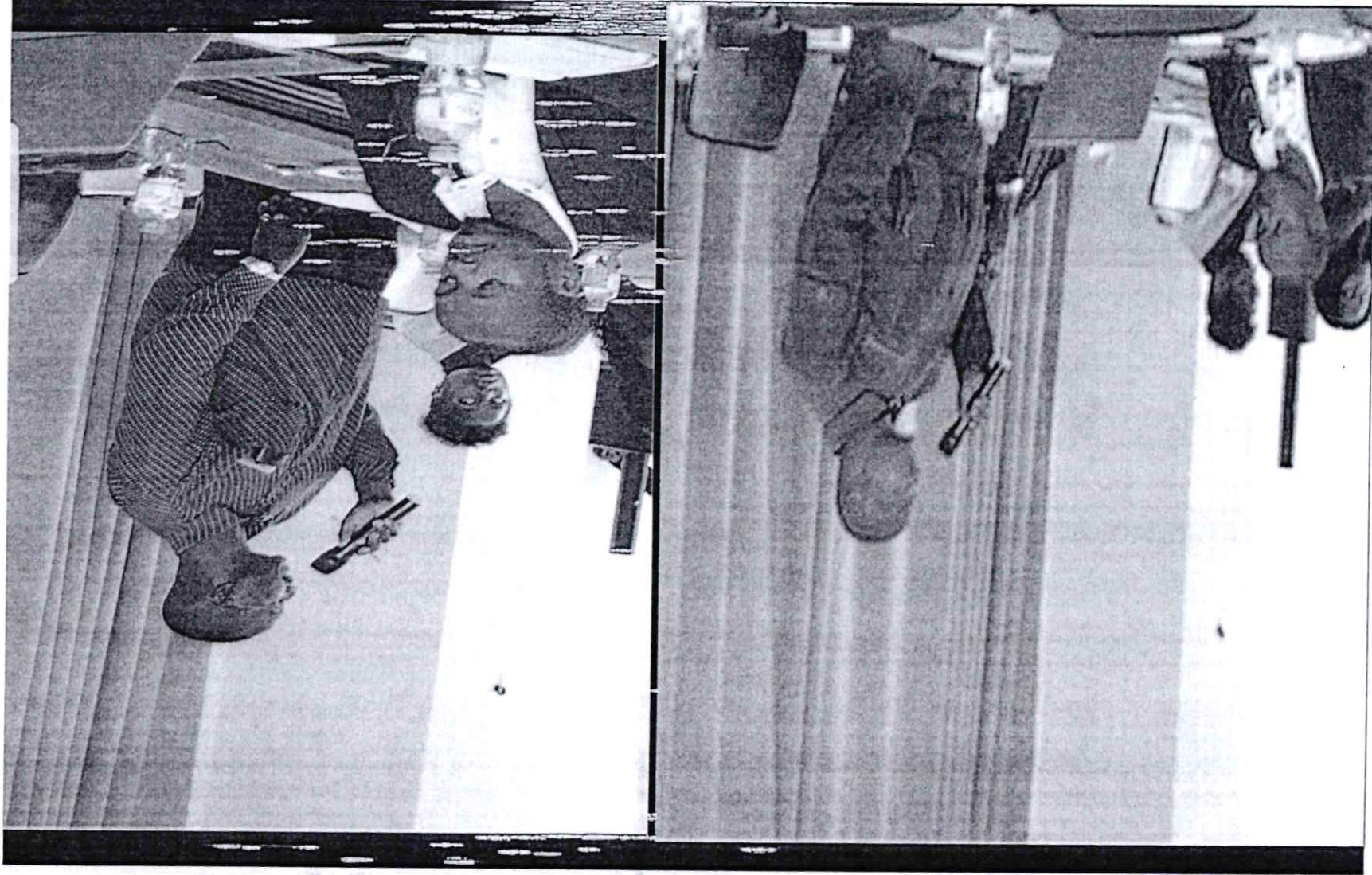
be shipped back to the country of origin

8 Valenti
ne Lala

- Ease of doing business with the proposed amendments

- i. with the proposed amendments such as the one window approach, we are trying to see how licensing can be made easier and faster by dealing with individuals instead of institutions.

Members of the public giving submissions on the Environmental Management (Controlled substances) Regulations



CONCLUSION

The Chairperson thanked the members for their participation during the exercise. He stated that this was the first stakeholder engagement, and the taskforce was looking forward to holding several other engagements in various parts of the country. The dates of which shall be duly communicated. The feedback from the participants was highly appreciated and was to be put into keen consideration. The participants were also given email addresses to send further feedback to communicate back to the task force in regards to the discussions held.

Report adopted by:

Chairperson: _____ Signature: _____
Date _____ this day _____ of _____ 2020

Rapporteur: _____ Signature: _____
Date _____ this day _____ of _____ 2020



nema
mazingira yetu | uhai wetu | wajibu wetu

**REPORT ON STAKEHOLDER ENGAGEMENT MEETING TO
RECEIVE COMMENTS ON THE REVIEW OF THE
ENVIRONMENTAL MANAGEMENT AND COORDINATION
(CONTROLLED SUBSTANCE) REGULATIONS 2007**

VIRTUAL MEETING

16TH JUNE, 2020

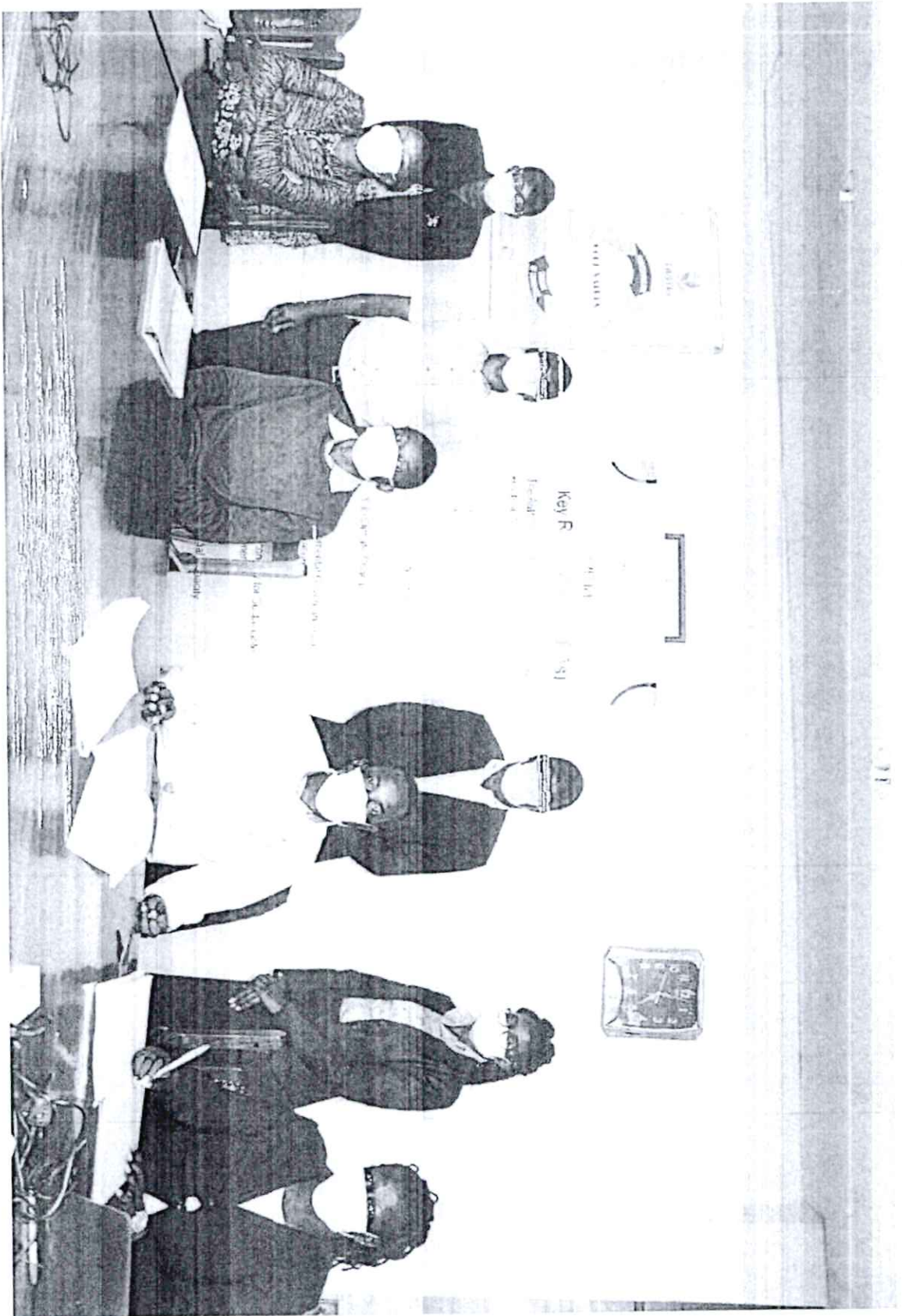


Table of Contents

Brief Overview	3
Representation	4
Preliminaries.....	4
Opening remarks.....	4
Presentations.....	5
Plenary discussions.....	6
Conclusion.....	9
ANNEXURE	10

1.0 BRIEF OVERVIEW

The National Environment Management Authority, through the national dailies, its website, social media handles and official invitation letters invited members of the public to a stakeholder's consultation forum on the Environment Management (Controlled substances) Regulations, 2007. (See annex 1).

2.0 STAKEHOLDERS' FORUM

2.1 Representation

See annex one for list of participants

List of counties

Kisii

Migori

Nandi

Vihiga

Kiambu

Nairobi

Machakos

Kitui

Kajiado

Kisumu

Kakamega

Bungoma

Trans Nzoia

West Pokot

Elgeyo Marakwet

Turkana

Uasin Gishu

The meeting was attended by a total of 37 people who included stakeholders from the Technicians, Political leadership, Community Based Organizations (CBOs), youth representatives, media and learning institutions.

2.2 MEETING

The meeting was called to order by George Njer from the HEVAC KENYA and a volunteer from the attendees led with a word of prayer Ms. Sellelah Okoth.

PRELIMINARIES

Opening remarks

The meeting started with a session of self-introduction by the attendees on the zoom chat. Each participant stated their name, institution represented and the county they were joining the meeting from.

Mr. George Njer from the HEVAC Kenya welcomed the stakeholders to the engagement on behalf of the Taskforce. Mr. Njer noted the commitment of the taskforce to engage with the participants and encouraged the participants to be free and raise any issue they needed clarification on and any member of the taskforce will be glad to address it.

Mr. Wabwoto from the Nema Legal Services department took the participants through the rules of engagement. Mr. Wabwoto encouraged participants to register through the zoom chat option by stating their name, institution and county they are joining the meeting from.

The Chair then welcomed Ann Omambia (Ph.D.) to make the welcoming remarks. She stated that the ODS Regulations was one of the seven regulations NEMA has been keen on reviewing. She further stated that the ODS Regulations was one of the Regulations that was being amended to be aligned to EMCA and the Constitution of Kenya 2010. The review was also being done to reflect the emerging challenges that have been experienced over time in the implementation of the said Regulation. She acknowledged and appreciated representative nature of the participants of the day cutting across the country in the different counties. She challenged the participants to participate actively, either through oral submissions or by raising their hand to draw the taskforce members to them or through the active online chat running throughout the meeting.

Presentations

Background information & Proposed Amendments - presented by Ms. Selelah Okoth.

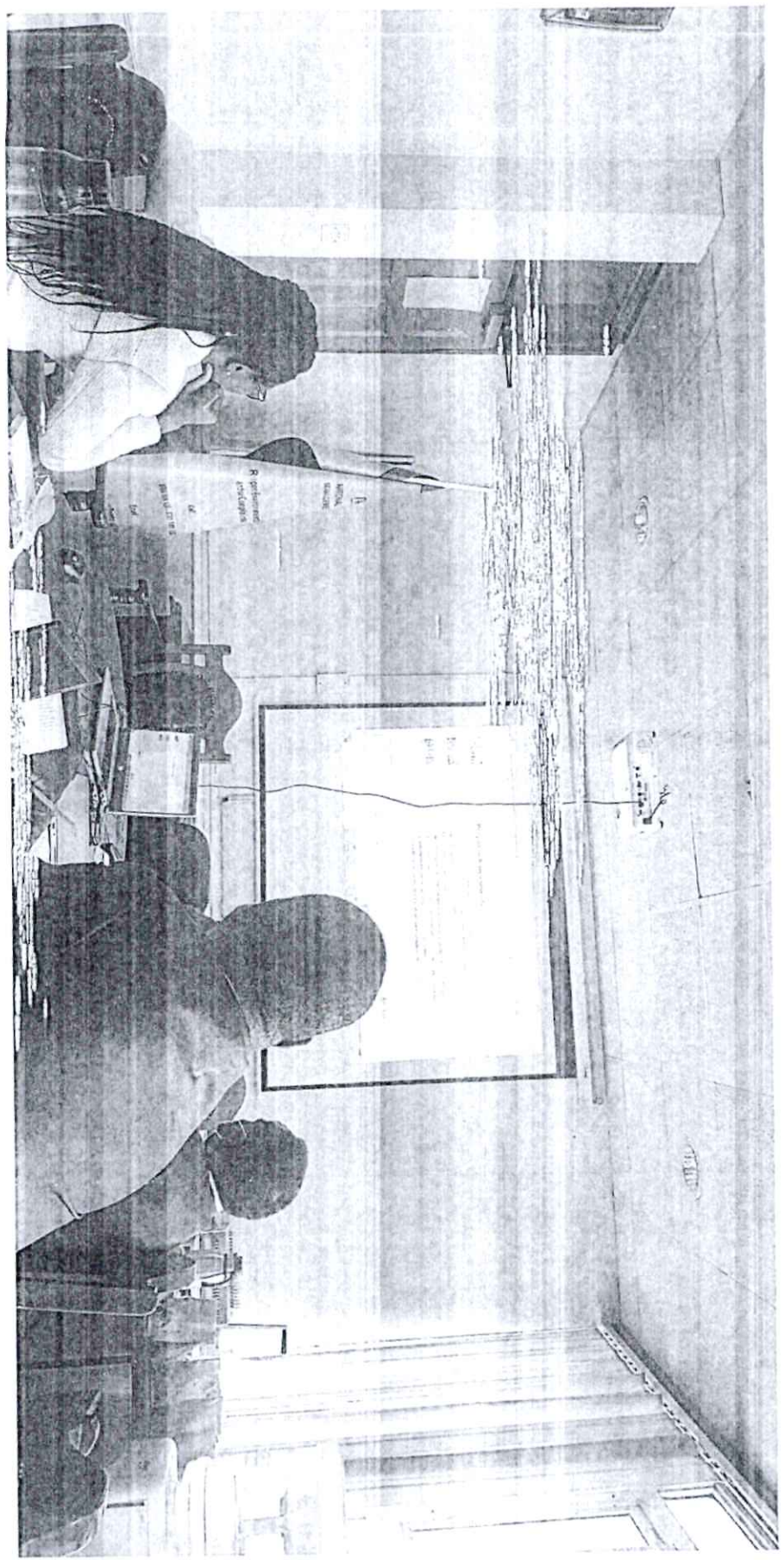
Ms. Selelah Okoth, the Principal Compliance and Enforcement officer from NEMA gave an outline of the presentation which entailed:

- **Ozone layer and its depletion.**
- **Sectors where ODS were/are being used.**
- **Effects of Ozone layer depletion.**
- **Controlled substances regulations.**
- **Approaches to implementation of the regulations.**
- **Gaps in the regulations.**
- **Proposed amendments.**

She outlined the relationship between Kenya and the Montreal Protocol, further highlighting the responsibility we are tasked with as a country to reach a common global goal to reduce ozone depletion. As such she drew attention as to the importance of review and discussion on environmental legislations.

Through the years, the Montreal Protocol has gone through a number of amendments including the most recent one, The Kigali Amendment on HFC Phase-down. Kenya as a party has a set phase-out of HCFCs and phase-down of HFCs as its main objective in order to comply with the requirements set out at the Montreal Protocol.

Ms. Selehah Okoth, the Principal Compliance and Enforcement officer from NEMA giving the presentation



She explained what the Ozone layer is, in addition to the negative effects of Ozone depletion. She further stated that the Ozone layer protects us from the sun's rays, acting like a blanket that absorbs excess heat. As such, depletion of the Ozone layer, which is as a result of our activities, exposes us to health risks such as skin cancer, eye cataracts and less crop yields.

She also outlined the various types of Controlled Substances and those available in the market. In addition, she highlighted the banned substances and restricted substances including the HFCs.

She further listed current approaches to the implementation of the regulations, which include:

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- Monitoring and Enforcement
- Disposal of controlled substances, case by case.

The stakeholders were informed of the gaps identified by the taskforce in the regulations that have hindered adequate compliance to the Montreal Protocol requirements as outlined below;

PLENARY DISCUSSIONS

The following issues were raised and discussed at the plenary discussions stage.

Plenary session led by Mr. Awino

NO.	NAME AND COUNTY	INSTITUTION	COMMENT	RESPONSE/ REMARKS
1.	Njoki Mukiri from Makueni County	NEMA CDE, Makueni County	Is there a way production is controlled from the Countries of origin now that Kenya is not a producer?	KEBS issuing certificate of conformance from the Country of origin before dispatch of consignment to Kenya. Quality checks being done by some Laboratories i.e. Bureau Veritas Among other principles, Polluter pays principle guides NEMAs compliance and enforcement operating principals
2	Mohamed Arif from Mombasa County	Frigitec	Can the permits cover up to March the following year considering the delay at the port during clearing and	Any delays can be treated on a case to case to basis

			or the shipment itself in the high seas?	administratively with the customs officials Any delays in the shipment should be notified to NEMA by the proponent
3.	Iganjo Mutahi from Nairobi	Stay Gas	How do you do the registration of the technicians?	Jointly with SHEVAC, NEMA will define basic minimum requirements for registration of Technicians.
4.	Eunice Wanjiru from Kirinyaga	Kenya Chambers of Commerce	Will there be a register of complaints handled by NEMA? e.g. on safety related issues such as leakages and explosions On the 2 nd schedule is there an application for permit/license to resell the control ozone depleting substances	The nature of the complaint to be registered in the complaints schedule to be known. Kenya Chambers of Commerce, Kirinyaga County to share the content of what needs to be in that complaints register borrowing from the Industry. It is allowable within the regime of waste management regulations, 2006.

5.	Costine from Mombasa County	Lifting equipment company limited (LECOL)	Elaborate more on the Corporate Company licensing	regulation no. 10 of the draft Regulation has made provisions on basic requirements for registration. NEMA will be working with SHEVAC on defining the detailed criteria.
6.	Leah from Nairobi	Maks Refrigeration Vent Refrigeration and Air Conditioning	Capacity building of Technicians on the latest issues in the ODS sector to be undertaken Concerns on the qualifications of the technicians i.e. they learn on the job, some maybe electricians without knowledge on refrigeration.	Comment positively noted NEMA will enhance the engagement with the sector players to build their capacity
7.	Isaac Kiraba	Isamu Refrigeration and electricals	A good thing and learnt a lot from the process and appreciates the efforts	Comment positively noted
8.	Atti Pye	Sustainability Manager – The Sands at Nomad	There is no Waste Management Committee in Kwale County for management of e-waste from Diani Commercial entities	Comment noted. This regulation applies to controlled substances the e-waste regulations address the concerns raised.

9.	Eunice Wagura	Kenya National Chamber of Commerce and Industry – Kirinyaga County	<p>1. Second schedule : There shall be an application for permit or license to recondition or repair controlled substance</p> <p>2. Second schedule : There shall be application for permit or license to resell controlled Substance</p> <p>3. Third schedule : There shall be a register of complainants handled by NEMA that shall include the results thereof on matters concerning controlled substances</p> <p>4. Fifth schedule : There shall be a report on public feedback on benefit thereof on appliances containing controlled substances .</p>	<p>Comments noted and proposal adopted into the regulations. Schedules amended to include proposal</p>
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10	Rose Birgen	Natural Justice	<p>Clause 3(1) Classification of Controlled substances We propose an amendment</p> <p>Regulation 11 – include a third sub regulation requiring competent authority to report all instances of accidental disposal of controlled substances</p>	<p>The proposal is addressed in the licensing and monitoring role for the Authority</p>
			<p>Reg. 12, 13, 14 and 16 – Deposit Bonds should be imposed on persons who produce, export or import controlled substances to Kenya.</p>	<p>The Regulations sufficiently provides for import, transit and storage provisions.</p>
			<p>Reg 18 on communication of the decision by the Authority on an application for Licence</p>	<p>Reg 18 addresses the timeline for communication and licensing as well as the access to information for the public.</p>

			Regulation 26 – proposal for fines and cost for disposal on the offender	<p>The polluter pays principle is adopted and further penalties included.</p> <p>The Material Safety Data Sheet in the regulation expressly addresses this concern.</p>
			Conduct effective public participation with diverse groups of stakeholders	The taskforce I observation of the MOH COVID-19 rules placed an advert inviting the general public to submit comments and further held virtual meetings with different stakeholders on diverse dates.
			Labelling of controlled substances- suggests the container holding the controlled substance includes the scientific name of the substance	The regulation provides for the chemical name as elaborated in schedule 1 and II.
11.	Isaak Elmi	CMF	Part III and II- Delete all sections referring to the word 'Permit' and where could be substituted with the word 'Licence'	Comment noted and amendments made in the regulations.

A.O.B

They being no other business the meeting was closed by a word of prayer from Dr. John Mumbo at around 12:30 PM

CONCLUSION

The Chairperson thanked the members for their participation during the exercise. He stated that this was the first stakeholder engagement, and the taskforce was looking forward to holding several other engagements in various parts of the country. The dates of which shall be duly communicated.

The feedback from the participants was highly appreciated and was to be put into keen consideration. The participants were also given email addresses to send further feedback to communicate back to the task force in regards to the discussions held.

Report adopted by:

Chairperson: _____ Signature: _____

Date _____ this day _____ of _____ 2020

Rapporteur: _____ Signature: _____

Date _____ this day _____ of _____ 2020

ANNEXTURE 1

LIST OF PARTICIPANTS MEETING HELD ON 17TH JUNE, 2020.

No.	Name	Institution	County
1)	Dennis Masinde	Natural Justice	Nairobi
2)	Yego Kiplagat	Biomedical professional	Uasin Gishu
3)	Winfred Momanyi	Kisauni	Mombasa
4)	J Keya	HEVAC Committee Member	Nairobi
5)	Narendra Kumar		Nakuru
6)	Khadija Shukwe	Coordinator, Save Lamu	Lamu
7)	Isaac Kiraba	Isamu Refri-Electrical	Nairobi
8)	Mohamed Arif	Mombasa HEVAC Member Frigtech Supllies - Mombasa	Mombasa
9)	Damaris Mbugua	County government of Nairobi	Nairobi
10)	Iganjo Mutahi	Steigas	Nairobi
11)	Margaret Kariuki	Nairobi County Government	Nairobi

12)	Costine Atsieno	Liftifting Equipment Company Ltd- LECOL	Mombasa
13)	Eunice Wanjiru	CEO- Kenya Chamber of Commerce & Industry - KNCCI	Kirinyaga
14)	Mohammed Baishe	Director of Environment, Lamu county Governmen	Lamu
15)	Isaac Rubari	Bio Medical Engineer – Bliss Health care ltd	Nairobi
16)	Leah	Macs Refrigeration Vent Air Refrigition	Nairobi



NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

STAKEHOLDERS ENGAGEMENT ON THE REVIEW OF THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT (CONTROLLED SUBSTANCES), NO 8 OF 1999.

PROGRAMME

VENUE: VIRTUAL

DAY 2: 17TH JUNE, 2020

TIME	ACTIVITY	RESPONSIBILITY
CHAIR: MR. GEORGE NJER		
9.00am- 9.05am	Welcome Remarks	Omambia (Phd)
9.05am-9.50am	Presentation	Ms. Okoth & Mumbo (Phd)
9.50am- 10.35am	Plenary	Mr. Awino
10.35 am - 10.45 am	Way Forward	Mr. Wabwoto
Rapporteurs: Sakami, Sakwa, Awino, Muthui		



National Environment Management Authority

CALL FOR MEMORANDA AND COMMENTS ON THE DRAFT ENVIRONMENTAL MANAGEMENT (CONTROLLED SUBSTANCES) REGULATIONS, 2020

The National Environment Management Authority (NEMA) pursuant to the Environmental Management and Coordination Act (EMCA) Act No. 8 of 1999 and in consultation with other stakeholders has prepared a draft Environmental Management (Controlled Substances) Regulations, 2020. The draft regulations are intended to repeal the Environmental Management (Controlled Substances) Regulations, 2007.

The overall objective of the Environmental Management (Controlled Substances) Regulations, 2020 is to align it to the Environmental Management & Coordination Act No. 8 of 1999 which was amended in 2015. The Regulations also seek to propose legislative areas of amendment as informed by development in international law, provide for controlled substances used in laboratories, refrigeration and air-conditioning as well as refrigeration and air-conditioning dependent equipment.

Pursuant to the Constitutional requirement for public participation and stakeholder engagement during the formulation and review of legal instruments, and to harmonize and have equity on the draft regulations, the Authority requests the public to submit their views and comments on the draft Environmental Management (Controlled Substances) Regulations, 2020 which can be accessed through the website www.nema.go.ke.

Written representation and memoranda on the Draft Regulations may be submitted by email to odsregulations@nema.go.ke / odsregulations@gmail.com addressed to the attention of the Director General, National Environment Management Authority or sent to;

**Director General,
National Environment Management Authority
Popo Road, South C, off Mombasa Road
National Environment Management Authority,
P.O.BOX 67839-00200,
Nairobi.**

Telephone enquiries should be directed to the **Director Legal Services** through telephone number **0723398628** between **8 am and 3 pm Monday to Friday**. The representations or comments on the regulations should reach the Authority not later than 14 days from the date of this publication.

Members of the public are further notified that, in view of the public health threat of COVID 19 and the COVID 19 rules, no public hearings or oral submissions on the regulations will be held.

Report incidences and complaints: NEMA incident lines: **0786 101100, 0741 101100**



National Environment Management
Authority - Kenya



@NemaKenya


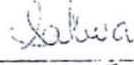


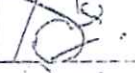




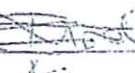
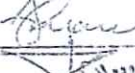






ATTENDANCE SCHEDULE

TASKFORCE MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS

DATE: 22nd May 2020

NO	NAME	DEPARTMENT / ORGANISATION	EMAIL ADDRESS	SIGNATURE
1	John Mumbo	NEMA	jmumbo@nema.go.ke	
2	Oceanic Sakwa	NEMA	osakwa@nema.go.ke	
3	Guustma Sakami	NEMA	csakami@nema.go.ke	
4	Selelah Okoth	"	sokoth@nema.go.ke	
5	George Njer	HEVAE KENYA	donnie30@gmail.com	
6	Mwindaanyi Kioni	NOM/MET	mwindanyi@yaho.com	
7	Edward Wabunde	NEMA	ewabunde@nema.go.ke	
8	Brooklyn Amimo	NOMA	valwina@noma.go.ke	
9	Virginia Mubuni	NGMA	vmubuni@nema.go.ke	
10	LINDA KOSGEI	NEMA	lkosgei@nema.go.ke	
11	Aime N. OUMAUBIA	NEMA	anoumambia@nema.go.ke	
12	ZUMA AMEMA	NEMA	zuma@nema.go.ke	
13	Albert Nyagetha	KEBC	nyagetha@kebc.org	



ATTENDANCE SCHEDULE

TASKFORCE MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS, NO.8, 1999

DATE: 2nd June 2020

NO	NAME	DEPARTMENT/ ORGANISATION	EMAIL ADDRESS	SIGNATURE
1	Edward Mburu	NEMA	emburu@nema.go.ke	
2	Miriam Kiri	NMU/NMF	miriamkiri@nmu.go.ke	
3	George Njer	HEVAC - KENYA	donnjer30@gmail.com	
4	John Mumbo	NEMA	jmumbo@nema.go.ke	
5	Oceanic Sakwa	NEMA	OSakwa@nema.go.ke	
6	Dengon Awino	NEMA	YAWINO@nema.go.ke	
7	Selelah Okoth	NEMA	sokoth@nema.go.ke	
8	LINDA KOSGEI	NEMA	lkosgei@nema.go.ke	
9	Virginia Muboni	NEMA	vmuboni@nema.go.ke	
10	Alice N. Ombati	NEMA - ESE	alombati@nema.go.ke	
11	Robert Nyagecha	KEBS	nyagecha@kebs.org	
12	Judith Ochieng	NEMA	jochieng@nema.go.ke	
13	Wycliffe Obiero	KRA	wobiero@kra.go.ke	



ATTENDANCE SCHEDULE

TASKFORCE MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS, NO.8, 1999

DATE: 4th June 2020

NO	NAME	DEPARTMENT/ ORGANISATION	EMAIL ADDRESS	SIGNATURE
1	Oceanic Sakwa	NEMA	osakwa@nema.go.ke	Sakwa
2	George Njer	Havackanya	clmmer3c@gmail.com	George Njer
3	John Mumbo	NEMA	jmumbo@nema.go.ke	John Mumbo
4	Reayam Awino	NEMA	Yawino@nema.go.ke	Reayam Awino
5	Mairindang Kuni	NOU/MEF	mairindangkuni@yaho.com	Mairindang Kuni
6	LINDA Kosegi	KEBA	lkosegi@nema.go.ke	Linda Kosegi
7	Virginia Mubuni	NEMA	vmubuni@nema.go.ke	Virginia Mubuni
8	Annex N. Ombia	NEMA-CYE	annombia@nema.go.ke	Annex N. Ombia
9	Edward Wanjau	NEMA	ewanjau@nema.go.ke	Edward Wanjau
10	Wichye Obiero	KEA	wobiero@ke.go.ke	Wichye Obiero
11	Judith Obiero	NEMA	jochiero@nema.go.ke	Judith Obiero
12	Zephania Ouma	NEMA	zouma@nema.go.ke	Zephania Ouma
13	Nyagecha Albert	KEBS	nyagecha@kebs.org	Nyagecha Albert



ATTENDANCE SCHEDULE

STAKEHOLDERS MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS, NO.8,
1999

DATE: 10th June 2020

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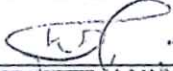



ATTENDANCE SCHEDULE

TASKFORCE MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS

DATE: 11th June 2020

NO	NAME	DEPARTMENT /ORGANISATION	EMAIL ADDRESS	SIGNATURE
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ATTENDANCE SCHEDULE

TASKFORCE MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS, NO.8, 1999

DATE: 12th June 2020

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6	Selelah Okoth	NEMA	sokoth@nema.go.ke	[Signature]
7	LINDA KOSGEI	NEMA	lkosgei@nema.go.ke	[Signature]
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ATTENDANCE SCHEDULE

TASKFORCE MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS, NO.8, 1999

DATE: 15th June 2020

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ATTENDANCE SCHEDULE

TASKFORCE MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS, NO.8, 1999

DATE: 16th June 2020

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ATTENDANCE SCHEDULE

STAKEHOLDERS MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS, NO.8,

1999

DATE: 17th June 2020

NO	NAME	DEPARTMENT/ ORGANISATION	EMAIL ADDRESS	SIGNATURE
1	Edward Wabute	NEMA	ewabute@nema.go.ke	
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7	Oceanic Sakwa	NEMA	osakwa@nema.go.ke	
8	Deogyn Amwa	NEMA	iamwino@nema.go.ke	
9	LINDA KOSSEI	NEMA	lkossei@nema.go.ke	
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13	Judith Ochieng	NEMA	jochieno@nema.go.ke	

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ATTENDANCE SCHEDULE

STAKEHOLDERS MEETING ON REVIEW OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS, NO.8,

1999

DATE: 17th June 2020

NO	NAME	DEPARTMENT/ ORGANISATION	EMAIL ADDRESS	SIGNATURE
1	Edward Wabuto	NEMA	ewabuto@nema.go.ke	
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9	LINDA KOSGEI	NEMA	lkosgei@nema.go.ke	
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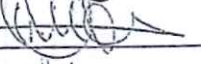
VENUE:- SAWELA, NAIVASHA

NO.	NAMES	INSTITUTION	CONTACT	3/11/2020	4/11/2020	5/11/2020
1.	ALBERT NYALIECH	KERS	0722730856			
2.	OSIARO WYCLIFFE	K.R.A	0720303600			
3.	MARINDANY KIRWA	NOU/MET	0722847342			
4.	Selelah Okoth	NEMA	0721600458			
5.	Anne N. Ombia, PhD	NEMA	0710240700			
6.	MARCELAH OJIAMBO	NEMA	0721772289			
7.	Guthuz Sakany	NEMA	0723358623			
8.	Virginia Mutuu	NEMA	0720644606			

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ATTENDANCE SCHEDULE

TASKFORCE MEETING ON IMPLEMENTATION OF EMCA (CONTROLLED SUBSTANCES) REGULATIONS

NO	NAME	ORGANI-SATION	MOBILE NO.	3 rd November	4 th November	5 th November
17	Emma Lisanza	NEMA	0721232159			
12	Deborah Amos	NEMA	0726989293			
13	Judith Ocheno	NEMA	0724704218			
24	Michael Odari	NEMA	0723816808			
51	Oceanic Sakwa	NEMA	0720318948	Sakwa	Sakwa	Sakwa
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Kenya Gazette Supplement No

(Legislative Supplement No.)

LEGAL NOTICE NO.

THE ENVIRONMENTAL MANAGEMENT AND
CO-ORDINATION (CONTROLLED SUBSTANCES)
REGULATIONS, 2024

ARRANGEMENT OF REGULATIONS

PART I-PRELIMINARY

- 1- Citation
- 2- Interpretation.

PART II-CLASSIFICATION AND CONTROL MEASURES

- 3- Classification of Controlled Substances
- 4- Licensing of Controlled Substances
- 5- Restriction, Reduction and ban of Controlled Substances
- 6-Packaging, Restriction, Reduction and ban of Controlled Substances.
- 7-Labeling of Controlled Substances.
- 8-Material Safety Data Sheet
- 9-Advertisement of Controlled Substances
- 10-Technicians and servicing companies
- 11-Recover, Retrofit, Reuse, Recycle and or Disposal of Controlled Substance.

PART III- LICENSING, PERMIT AND QUOTA PROVISIONS

- 12- Manufacturing of Controlled Substances.
- 13- Application for Export.
- 14- Importation of Controlled Substances
- 15- Application for Controlled Substances in transit.
- 16-Quota allocation of imports
- 16- Application for permit to import or export.
- 17- Acknowledgement of application.
- 18- Communication of decision and issue of license.
- 19- Validity and renewal of license.
- 20- Condition of license.

- 21-Prohibition on Trading
- 22-License not transferable.
- 23-Revocation or suspension of license.
- 24-Variation of license.
- 25- Use of Alternatives to Controlled Substances
- 26-Exemptions.
- 27- Sub-standard Imports
- 28- Illegal importation and Handling
- 29- Refrigeration and Air Conditioning equipment

PART IV-MONITORING PROVISIONS

- 30- Role of the Authority
- 31- Obligation of licensee.
- 32- Submission of Report by Licensee.
- 33- Maintenance of a Register
- 34- Testing and inspection analyzer and or equipment

PART V-MISCELLENEOUS PROVISIONS

- 35- Publication of Controlled Substances and of persons holding permits.
- 36- General penalty for offences.
- 37- Public access to records.
- 38- Transitional Provision.

First Schedule- Classification of Substances

Second Schedule (Form 2)- Application for a License to Practice as a RAC
Equipment Technician and or Company

Second Schedule (Form 3)- Notification to Recover, Retrofit, Reuse, Recycle and
or Dispose of a Controlled Substance and/or Equipment Containing Controlled
Substance

Second Schedule (Form 4)- Notification to Decommission any Equipment or
Product Containing Controlled Substances

Second Schedule (Form 5)- Application for License to Produce Controlled
Substances.

Second Schedule (Form 6)- Application for License to Export Controlled
Substances and/or equipment containing controlled substance

- Second Schedule (Form 7)- Application for License to Import Controlled Substances / Application for License to Import Controlled Substances for Quarantine and Pre-shipment Uses (QPS) and/or equipment containing controlled substance
- Second Schedule (Form 8)- Application for License to Import Equipment Containing Controlled Substances
- Second Schedule (Form 9)-Application to Transport Controlled Substances through Kenya
- Second Schedule (Form 10)-Application for Permit to Import/Export Controlled Substances.
- Second Schedule (Form 11)-License to Produce / Import / Export Controlled Substances.
- Second Schedule (Form 12)-Permit to Import/Export Controlled Substances
- Second Schedule (Form 13)- Application for Variation of License or the Conditions of the License.
- Second Schedule (Form 14)- Certificate of Variation of License or the Conditions of the License
- Second Schedule (Form 15)- Alternatives to Controlled Substances that are Ozone and Climate Friendly and Equipment or Product Containing Such Alternatives to the Controlled Substances
- Third Schedule (Form A)-Material Safety Data Sheet
- Third Schedule (Form B)-Leak Detectors.
- Third Schedule (Form C)-Register of License Application Received
- Third Schedule (Form D)-Register of License Issued.
- Third Schedule (Form E)-Register of Permits Issued.
- Third Schedule (Form F)-Register of Controlled Substances Imported, Exported or Disposed and their Quantities.
- Third Schedule (Form G)-Register of Returns made by Licensees.
- Fourth Schedule (Form A)-Declaration by the Recipient/Buyer of Controlled Substances.
- Fourth Schedule (Form B)- Record of Quantities of Controlled Ozone Depleting Substances Recovered, Disposed or Exported for Disposal

Fifth Schedule-Report on the Importation/Exportation of Controlled Substances.

Sixth Schedule- Fees

THE ENVIRONMENTAL MANAGEMENT AND
CO-ORDINATION ACT, 1999

(No.8 of 1999)

In EXERCISE of the powers conferred by sections 56 and 147 of the Environmental Management and Coordination Act, No. 8 of 1999, the Cabinet Secretary for Environment, Climate Change and Forestry makes the following Regulations:

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION (CONTROLLED
SUBSTANCES) REGULATIONS, 2024.

	PART I: PRELIMINARY PROVISIONS
Citation.	1. (1) These Regulations may be cited as the Environmental Management and Co-ordination (Controlled Substances) Regulations, 2023.
Objectives	(a) To protect the earth's ozone layer from chemicals that deplete it. (b) To regulate trade and practice in controlled substances for protection of human health and the environment.
Application	(2) (a) These Regulations shall apply to the management including storage, handling, production, packaging, import, export, transit, use, and disposal of controlled substances and equipment containing controlled substances. (b) These regulations domesticate the provisions of the Vienna Convention on the Protection of the Ozone Layer and the Montreal Protocol and its amendments.
Interpretations	2. In these Regulations, unless the context otherwise requires:
	"Authority" means the National Environment Management Authority established under section 7 of Environmental Management and Co-ordination Act, 1999;
	"ASHRAE" means American Society of Heating, Refrigerating and Air Conditioning Engineers, is an organization devoted to the advancement of indoor-environment-control technology in the heating, ventilation and air conditioning industry.
	"Cabinet Secretary" means the Cabinet Secretary at that

	time being in charge of matters of the Environment;
	"CAS Number" (Chemical Abstract Service Registration Number) is a unique and specific numeric identifier that can contain up to 10 digits, divided by hyphens into three parts, designated to only one substance regardless of how many other ways the substance can be described.
	"Chlorofluorocarbon" ("CFC") means a substance listed in the First Schedule of these Regulations
	'Competent Authority' means an Authority on matters relating to Controlled Substances designated by an importing or exporting country;
	'Consumption' means production plus imports minus exports of Controlled Substances;
	'Controlled Substances' means a substance as set out in Annex A, Annex B, Annex C, Annex E or Annex F in the First schedule to these Regulations;
	"Critical use" means with respect to the use of a Controlled Substance or of a product that contains a Controlled Substance, a use that is necessary for health and safety or is critical for the good functioning of society, encompassing its cultural and intellectual aspects; and no alternatives are available
	"Disposal" means the collection, transportation, storage, processing, recycling and or disposal, and confirmation by the recipient of disposal or destruction facility.
	"Essential use" means, with respect to the use of a Controlled Ozone Depleting Substance or of a product that contains a Controlled Ozone Depleting Substance, a use for which there are no technically or economically feasible alternatives or substitutes that are acceptable from the standpoint of the environment, safety and of health.
	"HS Code" stands for Harmonised Systems Code and is a six-digit description and coding system developed and maintained by the World Customs Organization for classification of goods in international trade and is used by customs authorities worldwide for identifying traded products, including chemicals.
	"Hydrobromofluorocarbon" ("HBFC") means a substance listed in First Schedule of these Regulations
	"Hydrochlorofluorocarbon" ("HCFC") means a substance listed in First Schedule of these Regulations

	<p>"Hydrofluorocarbons" (HFCs) means a substance listed in Annex F of these Regulations</p>
	<p>"Quarantine and Pre-shipment Uses" (QPS)"</p> <p>"Quarantine" with respect to methyl bromide means treatments to prevent the introduction, establishment and/or spread of quarantine pests (including diseases), or to ensure their official control.</p> <p>"Pre-shipment Uses" means those treatments applied directly preceding and in relation to export, to meet the phytosanitary or sanitary requirements of the importing country or existing phytosanitary or sanitary requirements of the exporting country</p>
	<p>'Material Safety Data Sheet' includes written instructions given by a manufacturer on how to use, handle, store, transport, or dispose Controlled Ozone Depleting Substances;</p>
	<p>"Ozone Depleting Substance" means a substance that depletes the ozone layer as listed in the First Schedule, of these Regulations, whether existing alone or in a mixture</p>
	<p>'Ozone Secretariat' means the Secretariat for the 1985 Vienna Convention on the Protection of the Ozone Layer and the 1987 Montreal Protocol and its amendments on Substances that Deplete the Ozone layer;</p>
	<p>"Phase-out (banning) schedules" means to discontinue the production and import of ozone-depleting substances consistent with the schedules developed under the Montreal Protocol specifically Annex A and B substances which are primarily chlorofluorocarbons (CFCs) and Annex C substances are hydrochlorofluorocarbons (HCFCs) and hydrobromofluorocarbons (HBFCs).</p>
	<p>"Phase-down (reduction) schedules" means to cut down or decrease the production and import of hydrofluorocarbons (HFCs) consistent with the schedules developed under The Kigali amendment to the Montreal Protocol to phase down HFCs.</p>

	<p>'Prior Informed Consent' means such consent as may be given by the Competent Authority before the importation or exportation of a Controlled Ozone Depleting Substance and equipment that contain Ozone Depleting Substance;</p>
	<p>'Production' means amount of Controlled Ozone Depleting Substances produced minus the amount destroyed by approved technologies and minus the amount entirely used as feedstock in the manufacture of other chemicals and does not include recycled and reused amounts;</p>
	<p>'Products' means products containing Ozone Depleting Substances as listed in Annex D</p>
	<p>'RAC Equipment' refers to refrigeration and air conditioning (RAC) equipment that use ozone depleting substances, particularly HCFCs and non-ozone depleting alternatives such as HFCs.</p>
	<p>"Refrigerant Gas Analyzer or Identifier" means equipment used to determine refrigerant type and purity in refrigerant storage cylinders or directly in vehicle or other air conditioning systems.</p>
	<p>"Refrigeration and Air Conditioning (RAC) Companies" means registered firms dealing with RAC equipment installation, servicing, maintenance and repairs.</p>
	<p>'Secretariat to the Multilateral Fund' means the Secretariat for the Multilateral Fund for the Implementation of the Montreal Protocol as established in 1990.</p> <p>"UN number" means a four-digit number that identifies dangerous goods such as explosives, flammable liquids, oxidizers, and some acutely toxic substances.</p>

	PART II-CLASSIFICATION AND CONTROL MEASURES
Classification	<p>3 (1) The Authority may in consultation with lead agencies classify and list the controlled substances and equipment in accordance with the First Schedule, of these Regulations.</p> <p>(2) The list under the first schedule of this Regulation shall be divided into seven categories as follows-</p> <p>(a) Category I of the list shall consist of halogenated chlorofluorochemicals with ozone depleting substances of less than 0.1 to 10 as under annex A and B.</p> <p>(b) Category II of the list shall consist of partially halogenated fluorochemicals with ozone depleting substances of less than 0.12 and defined as transitional substances under annex C Group I.</p> <p>(c) Category III of the list shall consist of hydrobromofluorocarbons with ozone depleting substance estimated to vary from 0.1 to 1.00 under annex C Group II; and</p> <p>(d) Category IV of the list shall consist of bromochloromethane with ozone depleting substances under annex C Group III.</p> <p>(e) Category V of the list shall consist of equipment containing controlled substances under annex D.</p> <p>(f) Category VI of the list shall consist of halogenated bromochemicals with ozone depleting substances under annex E.</p> <p>(g) Category VII of the list shall consist of hydrofluorocarbons under Annex F</p> <p>(3) The Authority shall in consultation with relevant lead agencies review from time to time the list referred in sub-regulation 3 (1) and 3 (2).</p> <p>(4) The Cabinet Secretary may on the advice of the</p>

	Authority gazette the list of Controlled Substances referred in sub-regulation 3(2).
Licensing requirement	<p>4(1) No person shall produce, import, export any Controlled Substance listed in Annex A, Annex B, Annex C, Annex E and Annex F of the First Schedule without a license issued by the Authority.</p> <p>(2) No person shall produce, import, export any equipment listed in Annex D of the First Schedule containing or designed to use any Controlled Substance including for essential use without a license issued by the Authority.</p>
Restriction, Reduction and ban.	<p>5 (1) The Cabinet Secretary may, on the advice of the Authority in consultation with the relevant lead agencies, ban or restrict the production or consumption of Controlled Substances by order in the gazette.</p> <p>(2) The Cabinet Secretary shall by a gazette notice make amendments or review of HCFC phase-out schedule and halogenated fluorocarbons (HFCs) phase-down schedule from time to time based on amendments of the Montreal Protocol.</p> <p>(3) The Authority shall maintain a register of restricted and banned Controlled Substances.</p>
Packaging, Storage and Transport	<p>6. No person shall store, sell, or consign for transport a Controlled Substance unless-</p> <p>(a) the Controlled Substance is in an impervious container that conforms to the Kenya and/or international</p>

	<p>Standards; and</p> <p>(b) the container is sufficiently strong to prevent leakage arising from the ordinary risks of handling and transportation.</p>
Labeling	<p>7. (1) No person shall deal in, import, export, transport or store any Controlled Substance without an eligible and a visible label on the container.</p> <p>(2) Every label on a Controlled Substance container shall contain;</p> <p>(a) the chemical name, chemical formula, trade name, the ASHRAE and HS Code listing of the Controlled Substance or equipment;</p> <p>(b) the name and address of the manufacturer of the Controlled Substance or equipment;</p> <p>(c) the name of the country of origin of the Controlled Substance or equipment;</p> <p>(d) the words 'Controlled Substances -Not ozone and/or climate friendly';</p> <p>(e) a symbol indicating that the substance or equipment is harmful to the ozone layer; in a Schedule</p> <p>(f) the name of the seller and address of the premises on which it is sold if supplied on sale, other than whole sale; and</p> <p>(g) the name and address of supplier if supplied otherwise than on sale.</p> <p>(h) the information on the label must be written in conspicuous, legible, durable, and easy to understand language</p>
Material Safety Data Sheet	<p>8. (1) No person shall store, distribute, transport or otherwise handle a Controlled Substance unless accompanied by Material Safety Data Sheet in the prescribed format provided under the Third Schedule.</p>

	<p>(2) Any person producing or importing a Controlled Substance shall at the time of production, packaging or importation, ensure that the Material Safety Data Sheet accompanies the produced, packaged or imported Controlled Substance.</p>
Advertisement	<p>9. Any person who advertises any Controlled Substances and or equipment containing controlled substances and/or not climate friendly shall ensure that the advertisement carries the words -'Warning: contains chemicals, materials or substances that deplete or have potential to deplete the stratospheric ozone layer' or harm the climate in both English and Kiswahili languages.</p>
Technicians and servicing companies	<p>10. (1) No person shall repair, maintain, replace and or retrofit RAC equipment unless registered and licensed or certified by the Authority upon payment of the prescribed fee.</p> <p>(2) A person or firm wishing to apply for registration as a technician or service company by the Authority for carrying out repair, maintenance, replacement and or retrofitting RAC equipment shall:</p> <p>(a) Apply for registration using form 1 under in the Second Schedule.</p> <p>(b) Apply for a license to practice using form 2 in the Second Schedule.</p> <p>(c) Possess the necessary training requirements and certification from a recognized institution - a technician certificate/diploma in refrigeration and air conditioning course.</p> <p>(d) Must have attended a short training on ozone and climate friendly alternatives to Ozone Depleting Substances.</p> <p>(e) Undertake continuous professional development courses specific to the licensed activity - refrigeration and or air conditioning.</p> <p>(f) Must wear the correct personal protective equipment, possess appropriate work equipment and leak detectors as provided for in the Third Schedule.</p> <p>(g) Ensure regular maintenance and calibration of work equipment, refrigerant recovery units and leak detectors.</p>

	<p>(3) The Authority shall recognize specialization certificate from recognized institution in:</p> <p>(a) Domestic appliances,</p> <p>(b) High pressure refrigerant (HCFC-410a) equipment, residential air conditioners and heat pumps, commercial air conditioning and refrigeration and industrial air conditioning and refrigeration</p> <p>(c) Low pressure refrigerant (CFC 11) equipment (chillers)</p> <p>(4) All technicians engaged in maintenance, servicing, recovery and disposal of Controlled Substance or equipment containing such substance shall be registered by the Authority.</p> <p>(5) Technicians and servicing companies shall adhere to the code of conduct and professional practice as developed by the Authority</p> <p>(6) The Authority may deregister any technician who intentionally vents the Controlled Substance or contravenes any provision of these Regulations.</p>
<p>Recovery, Retrofit, Reuse, Recycling and or disposal</p>	<p>11 (1) Any person wishing to recover, retrofit, reuse, recycle and or dispose of a Controlled Substance, equipment and or product containing such substance shall;</p> <p>(a) notify the Authority using form 3 in the second schedule.</p> <p>(b) engage a qualified refrigeration technician duly registered and licensed or certified by the Authority in accordance to Regulation 10 of these Regulations.</p> <p>(c) be expected to follow guidelines and standard operating procedures on safety, capture, storage, prevention of gases release issued by the Authority or any other relevant lead agency.</p> <p>(d) label retrofitted units using appropriate procedures and labels.</p> <p>(e) apply/follow good practices during repair and maintenance of the refrigeration and air-</p>

	<p>conditioning equipment as applicable to these Regulations.</p> <p>(f) dispose of and/or export to the country of origin for disposal in accordance with the provisions of Environmental Management and Co-ordination (Waste Management) Regulations, 2006.</p> <p>(2) No person shall dispose of any equipment containing a controlled substance without prior notification to the Authority and that such substances have been recovered to the satisfaction of the Authority.</p> <p>(3) Any person intending to decommission any equipment or product containing Controlled Substances shall;</p> <p>(a) notify the Authority using form 4 in the second schedule.</p> <p>(b) use the checklist in the third schedule to identify and segregate components containing controlled substances</p> <p>(c) comply with prescribed guidelines issued by the Authority.</p> <p>(4) The disposal and or destruction of the controlled substances and the equipment or its component shall be done in consultation with the relevant national and international agencies including the Ozone Secretariat.</p>
	<p>PART III-PRODUCTION, IMPORTATION AND EXPORTATION</p>
<p>License to produce</p>	<p>12. (1) No person shall produce a Controlled Substance unless the person has a valid license issued by the Authority.</p> <p>(2) An application for a license to produce or manufacture a Controlled Substance shall be made to the Authority in Form 5 set out in the Second Schedule of these Regulations and shall be accompanied by the prescribed fee.</p> <p>(3) Upon the receipt of duly filled application Form, the Authority shall review the application within twenty one (21) days.</p> <p>(4) Where the Authority is satisfied with the</p>

	<p>application, the Authority shall issue a license with conditions.</p> <p>(5) Where the Authority rejects the application, it shall communicate its decision with reasons.</p> <p>(6) The license produce or manufacture issued under this Regulation shall be in the prescribed Form 11 in the Second Schedule.</p>
License to Export	<p>13. (1) No person shall export a Controlled Substance unless such person has a valid license issued by the Authority.</p> <p>(2) An application to export a Controlled Substance shall be made to the Authority in the prescribed Form 6 in the Second Schedule to these Regulations and shall be accompanied by-</p> <p>(a) a duly filled Prior Informed Consent Form issued by the competent Authority of the importing country; and</p> <p>(b) the prescribed fee.</p> <p>(3) A license to export issued under these Regulations shall be in the prescribed Form 11 in the Second Schedule.</p>
License to Import	<p>14. (1) No person shall import into Kenya a Controlled Substance or equipment containing such substance without a valid license issued by the Authority.</p> <p>(2) The application shall be in the prescribed Form and the applicant shall indicate the purpose for which the Controlled Substance is required.</p> <p>(3) An application to import a Controlled Substance shall be made to the Authority in the prescribed Form 7 in the Second Schedule to these Regulations and shall be accompanied by the prescribed fee</p> <p>(4) An application to import an equipment or product</p>

	<p>containing such substance shall be made to the Authority in the prescribed Form 8 in the Second Schedule to these Regulations and shall be accompanied by the prescribed fee.</p> <p>(5) The Authority shall assign quantities of Controlled Substances to be imported by applicants based on the total quota allocation to Kenya annually.</p> <p>(6) Upon the application for a license under this Regulation, the Authority may grant the license with conditions on the license or reject the application with reasons for that decision.</p> <p>(7) Any person licensed to import controlled substance and any equipment containing such substance shall produce the license to the custom officials at the port of entry or exit.</p> <p>(8) An application for a license and or permit to import a Controlled Substance in Annex E under this Regulation shall strictly be for quarantine and pre-shipment uses (QPS) shall be in the prescribed Form 7 in the Second Schedule and shall be accompanied by the prescribed fee.</p> <p>(9) A license to import under this Regulation shall be in the prescribed Form 11 in the Second Schedule.</p> <p>(10) An application to import controlled Substances in the subsequent year shall be submitted to the Authority latest by 15thDecember of the current year.</p> <p>(12) The import license issued shall be valid for one calendar year</p> <p>(11) A person issued with an import license shall keep a full and accurate record of such importation.</p>
Application for consent to transit	15(1) No person shall transit any controlled substances destined for another country through the territory of Kenya without a valid consent for such movement issued by the Authority including the prescribed tracking document for transboundary movement of controlled substance in the prescribed Form 9 of the Second Schedule and any other documents prescribed by the

	<p>competent Customs Authority.</p> <p>(2) An application for the consent to transport through Kenya a Controlled Ozone Depleting Substance shall be accompanied by- the prescribed deposit bond which shall be refundable.</p>
Permit to import or export	<p>16. (1) Where a person licensed to import or export any Controlled Substance wishes to import or export the Controlled Substance in different quantities and at different times, the person shall make an application for a permit for every importation or exportation that is to be made.</p> <p>(2) An application for a permit to import or export a Controlled Substance in different quantities shall be in Form 10 in the Second Schedule to these Regulations and shall be accompanied by the prescribed fee.</p> <p>(3) Any person issued with a permit to import controlled substance and any equipment or product containing such substance shall produce the permit to the custom officials at the port of entry or exit.</p> <p>(4) The Authority in liaison with custom officials at the port of entry or exit shall verify that the Controlled Substance and equipment or product containing such substance permitted to be imported or exported is in accordance with the conditions set out in the license and permit.</p>
Acknowledgement and processing of application	<p>17. (1) Upon the receipt of any application under these Regulations, the Authority shall screen the application for completeness and shall acknowledge receipt of the application within seven days.</p> <p>(2) Where the application is not complete, the Authority shall inform the applicant and shall request the applicant to furnish the Authority with additional information.</p> <p>(3) The Authority where necessary may consult the relevant lead agencies in determining the application and where the Authority is satisfied that the applicant meets the requirements set out, the Authority shall approve the application.</p>

	<p>(4) Where the application does not meet the requirements set out, the Authority shall reject the application.</p> <p>(5) A permit to import or export a controlled substance shall be in Form 12 set out in Second Schedule.</p>
Communication of decision	18. The Authority shall communicate its decision to the applicant, in writing, within twenty one (21) days of receipt of the application and shall state the reasons for such decision where the application has been rejected.
Validity and renewal of license	<p>19. (1) A license issued under these Regulations, shall be valid for a period of one year from the date of issuance.</p> <p>(2) a license issued under regulation 19 (1) above may be renewed upon</p> <p>(a) submission of an accurate report on:</p> <p>(i) importation and or exportation</p> <p>(ii) produced quantities of the previous year importation if applicable</p> <p>(b) compliance with the provisions of this regulations.</p>
Condition of License and Permit	20. The Authority may impose any conditions on the license and permit it deems necessary for the compliance with these Regulations.
Prohibition on Trading	21. No entity shall trade with a party that has not ratified the Montreal Protocol and its subsequent amendments
Transfer of License and Permit	22. A license or permit issued under these regulations shall relate only to the specific activity for which it was issued and shall not be transferable.
Revocation or suspension of license	23. The Authority may suspend or revoke a license or

or permit	<p>permit where;</p> <p>(a) the licensee or permit holder has contravened any of the conditions set out in the license.</p> <p>(b) the licensee or permit holder has contravened any provisions of the Act and/or these Regulations.</p> <p>(c) the licensee or permit holder has provided information that is false, incorrect and intended to mislead.</p> <p>(d) the Authority considers it in the interest of the environment or in the public interest to do so.</p>
Variation of License	<p>24.(1) The Authority may vary a license or the conditions of the license either upon the application of the licensee or on its own motion where new information is available to the Authority or to the licensee and the Authority is of the opinion that the information may affect the scope of the license or the conditions imposed on the license.</p> <p>(2) The licensee shall apply for variation in Form 13 of the Second Schedule accompanied by the prescribed fee</p> <p>(3) Subject to sub-regulation 24 (2) above, if the Authority is satisfied of the need for the variation, a certificate of variation as prescribed in Form 14 of the Second schedule... shall be issued</p>
Use of Alternatives to Controlled Substances	<p>25.(1) These Regulations shall promote the use of alternatives to Controlled Substances that are ozone and climate friendly and equipment or product containing such alternatives to the controlled substances as listed in Form 15 of the Second Schedule.</p> <p>(2) The Cabinet Secretary shall, in consultation with the Cabinet Secretary responsible for Finance, introduce incentives for Controlled Substance or equipment or product for critical uses, and alternatives to controlled substances</p>
Exemptions	<p>26. These Regulations shall not apply to Controlled Substances or equipment containing controlled</p>

	substances for critical uses
Sub-standard Imports.	<p>27. (1) Where an imported Controlled Substance or equipment containing such substance does not meet the specifications of the license or the permit, the Authority shall require the licensee or the permit holder to-</p> <ul style="list-style-type: none"> (a) return the Controlled Substance or equipment containing such substance to the country of origin at the cost of the licensee or the permit holder; or (b) pay for the cost of disposal of the Controlled Substance or equipment containing such substance as may be prescribed by the Authority <p>(2) The Authority shall revoke the license or the permit of any person in contravention of a license or permit under subsection (1).</p>
Illegal importation and Handling.	<p>28 (1) Any person who imports a Controlled Substance or equipment or product containing such substance in the First Schedule without a valid license issued by the Authority shall be required to pay for the cost of disposal of the Controlled Substance as shall be prescribed by the Authority.</p> <p>(2) Any person who imports any banned Ozone Depleting Substance or an equipment or product containing any such substance shall be required by the Authority to:-</p> <ul style="list-style-type: none"> (a) return the banned Ozone Depleting Substance or the equipment to the country of origin at his cost; or (b) pay for the cost of disposal of the banned Ozone Depleting Substance or the equipment as may be prescribed by the Authority. <p>(3) No person either by himself or any other person or enterprise shall import, store, stock, exhibit or sell, handle, distribute, transport, use, maintain, provide services of the banned controlled substances</p>

Refrigeration and Air Conditioning (RAC) Equipment	<p>29 (1) No person shall import, transit or export equipment and compressors containing and/or dependent on controlled substance without a permit from the Authority upon payment of the prescribed fee</p> <p>(2) No person shall import RAC equipment containing and/or dependent on HCFC or HCFC compressors as from 1st January 2021</p>
PART- IV MONITORING PROVISIONS	
Role of the Authority	<p>30. (1) The Authority shall be the national ozone unit within the framework of Montreal Protocol to undertake coordination activities including but not limited to;</p> <ul style="list-style-type: none"> (a) executing financial mechanism of Multilateral Fund Secretariat (b) awareness creation, (c) training of stakeholders (d) representing Kenya in negotiation and related meetings of Montreal Protocol and Vienna Convention (f) develop legal instruments to implement Montreal Protocol obligations (e) any other duties <p>(2) The Authority shall in consultation with the relevant lead agencies, monitor the activities of the licensees to-</p> <ul style="list-style-type: none"> (a) determine effects of the Controlled Substances on human health and environment; (b) ensure that the licensee comply with the license conditions and (c) to ensure that the licensees comply with the provisions of these Regulations. <p>(3) In carrying out its monitoring role the Authority shall be responsible for-</p> <ul style="list-style-type: none"> (a) determining quantities of Controlled Substances and equipment containing such substances due for disposal (b) periodic reporting to the Ozone Secretariat and the Multilateral Fund Secretariat on the produced, imported, exported or consumed Controlled Substances;

	<p>(c) receiving returns from licensees; and</p> <p>(d) any other matters that the Authority may deem necessary for the effective implementation of these Regulations.</p>
Obligation of Licensee	<p>31. (1) Any licensee who imports or produces any Controlled Substances or equipment or product containing such substances shall ensure that all persons who receive or procure such substances sign a declaration Form prescribed in the Fourth Schedule of these Regulations.</p> <p>(2) Any licensee who supplies, sells or distributes any Controlled Substances or equipment containing such substances shall keep a record of the declaration forms and submit the record to the Authority biannually or as may be prescribed by the Authority.</p> <p>(3) Any licensee who has facility to recover or dispose of any ozone depleting substance shall maintain a record of quantities of Controlled Substances recovered, disposed or exported for disposal in the prescribed Form in the Fourth Schedule.</p> <p>(4) Any person who sells or supplies or uses a Controlled Substance or equipment or product for a purpose other than the purpose declared in the declaration Form prescribed in the Fourth Schedule commits an offence.</p>

<p>Submission of reports by Licensee</p>	<p>32. (1) Every person licensed under these regulations shall keep a full and accurate record of information relating to the license, activities undertaken under the license and conditions imposed under the license and submit reports in the format prescribed in Form of the Fifth Schedule to the Authority after every six months or as may be prescribed by the Authority.</p> <p>(2) Every person who produces, imports, exports or sells any Controlled Substance shall maintain records and file reports in the format prescribed in Form of Fifth Schedule to the Authority after every 3 months or as may be prescribed by the Authority</p> <p>(3) Every person stocking or purchasing Controlled Substance for use in activities specified shall maintain records and file reports in the format prescribed in Form of the Fifth Schedule to the Authority after every 6 months or as may be prescribed by the Authority</p> <p>(4) Any person who provides false or misleading information on any matter in these regulations or neglects to keep records in accordance with these Regulations, commits an offence</p>
<p>Maintenance of a Register</p>	<p>33. (1) The Authority shall establish and maintain a register in the manner prescribed in the Third Schedule to these Regulations.</p> <p>(2) The register shall contain-</p> <ul style="list-style-type: none"> (a) information on every application received; (b) information on every decision documented; (c) information on every license/permit issued; (d) a record of Controlled Substances imported, exported, disposed of or in use in the country clearly indicating the chemical name, chemical formulae, HS Code listing, CAS number, UN number and their quantities (f) a record of returns made by licensees; and (g) any other information that the Authority may deem necessary to preserve. <p>(3) The register shall be a public document that can be inspected upon request during the normal working hours.</p>

Testing and inspection analyzer and or equipment	<p>34 (1) The Authority shall use the refrigerant identifier to test and analyze any controlled substance that is imported, on transit and/or stocked in premises</p> <p>(2) In undertaking tests and analysis of controlled substance, the refrigerant identifier or analyzer should be calibrated and possess functional and operational principles prescribed in Form B of the Third Schedule.</p>
PART V-MISCELLANEOUS PROVISIONS	
Publication of Controlled Substances and of persons holding licenses/permits	<p>35. (1) The Authority shall on or before 31st December of every year, publish a list of Controlled Substances in the Kenya Gazette. This list shall consist of-</p> <p>(a) Controlled Substances that were imported in the year, together with their quantities;</p> <p>(b) Controlled Substances that were exported in the year and their quantities;</p> <p>(c) all persons or firms holding licenses to import and export Controlled Substances and their annual permitted quota allocations of the Controlled Substances.</p> <p>(2) The Authority shall on or before 31st December of every year, publish in the Kenya Gazette a list of Controlled Substances and their annual quota allowed for use in Kenya in the subsequent year.</p>
Venting and refilling	<p>36. (1) No person shall vent or refill any controlled substance in contravention with these regulations</p> <p>(2) It shall be an offence to vent or refill any controlled Substance in contravention with these regulations.</p>
General penalty for offences	<p>37. (1) Any person who contravenes any provision of these Regulations commits an offence and is liable on conviction to a fine of not more than Four million Kenya Shillings or to imprisonment for a term not more than twenty-four months or to both such fine and imprisonment.</p> <p>(2) In addition to any sentence that the Court may impose on a person convicted under sub-regulation 36 (1), the Court may direct that the person</p> <p>(a) returns the Controlled Substance or equipment containing such substance in Schedule 1 to the country of origin at his own cost; and or</p> <p>(b) pay for the cost of disposal of the Controlled</p>

	<p>Substance or equipment containing such substance as may be prescribed by the Authority</p> <p>(c) Provide proof of notification from the Environmental, Custom or Relevant Agency confirming receipt of shipment by the exporting company in the country of origin.</p>
Public access to records	38. Any person may on application to the Authority have access to any records submitted to the Authority under these Regulations other than the declared confidential business information.

CLASSIFICATION OF SUBSTANCES

Annex A: Controlled Ozone Depleting Substances

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE safety group	CAS ² #	UN ³ #	NEW HS code	Ozone Depleting Potential	STATUS
Group I (CFCs)									
CFC-11	Trichlorofluoromethane	CFC ₁₁	R-11	A1	75-69-4	1017	2903.77	1.0	PROHIBITED
CFC-12	Dichlorodifluoromethane	CF ₂ Cl ₂	R-12	A1	75-71-8	1028	2903.77	1.0	
CFC-113	Trichlorotrifluoroethanes	C ₂ F ₃ Cl ₃	R-113	A1	76-13-1		2903.77	0.8	
CFC-114	Dichlorotetrafluoroethanes	C ₂ F ₄ Cl ₂	R-114	A1	76-14-2	1958	2903.77	1.0	
CFC-115	Chloropentafluoroethane	CClF ₂ CF ₃	R-115	A1	76-15-3	1020	2903.77	0.6	

Group II (Halons)								
Halon - 1211	Bromochlorodifluoromethane	CF ₂ BrCl	R-12B1		353-59-3	1974	2903.76	3.0
Halon-1301	Bromotrifluoromethane	CF ₃ Br	R-13B1		75-63-8	1009	2903.76	10.0
Halon - 2402	Dibromotetrafluoroethanes	C ₂ F ₄ Br ₂	R-114B2		124-73-2		2903.76	6.0

* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

Annex B: Controlled Ozone Depleting Substances:

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE ¹ safety group	CAS #	UN ³ #	NEW HS code	Ozone Depleting Potential	STATUS
Group I (Other CFCs)									
CFC-13	Chlorotrifluoromethane	CF ₃ Cl	R-13	A1	75-72-9		2903.14	1.0	PROHIBITED
CFC-111	Pentachlorofluoroethane	C ₂ FCl ₅	R-111				2903.77	1.0	
CFC-112	Tetrachlorodifluoroethane	C ₂ F ₂ Cl ₄	R-112				2903.77	1.0	
CFC-211	Heptachlorofluoropropane	C ₃ FCl ₇	R-211				2903.77	1.0	

	ne								
CFC-212	Hexachlorid edifluoropro pane	C ₃ F ₃ Cl 6	R-212					2903.7 7	1.0
CFC-213	Pentachlorot rifluoroprop ane	C ₃ F ₃ Cl 5	R-213					2903.7 7	1.0
CFC-214	Tetrachlorot etrafluoropr opane	C ₃ F ₄ Cl 4	R-214					2903.7 7	1.0
CFC-215	Trichlorope ntafluoropro pane	C ₃ F ₅ Cl 3	R-215					2903.7 7	1.0
CFC-216	Dichlorohex afluoroprop ane	C ₂ F ₆ Cl 2	R-216					2903.7 7	1.0
CFC-217	Chlorohepta fluoropropa ne	C ₃ F ₇ Cl	R-217					2903.7 7	1.0
Group II									
Tetrachloromethane or carbon tetrachloride		CCl ₄		B1	56- 23-5	186 4		2903.1 4	
Group III									
1,1,1-trichloroethane or methyl chloroform		C ₂ H ₃ Cl I ₃	R-140a		71- 55-6	283 1		2903.1 9	PROHIBIT ED

Annex C: Controlled Ozone Depleting Substances

GROUP I

Partially halogenated fluorochemicals (40 compounds including HCFC-21, HCFC-22, HCFC-123, HCFC-124, HCFC-141b, and HCFC-142) all with ODPs of less than 0.12, are defined as transitional substances.

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE Safety group	CAS#	UN#	NEW HS code	Ozone Depleting Potential	STATUS
Group I (HCFCs)									
HCFC-21**		CHFC1 ₂						0.04	RESTRICTED License/Permit Required
HCFC-22**	Chlorodifluoromethane	CHF ₂ Cl	R-22		75-45-6	1018	2903.71	0.055	
HCFC-31		CH ₂ FC1	R-31					0.02	
HCFC-121		C ₂ HFC1 ₄	R-121					0.01-0.04	
HCFC-122		C ₂ HF ₂ Cl ₃	R-122					0.02-0.08	
HCFC-123	Dichlorotrifluoroethanes	C ₂ HF ₃ Cl ₂	R-123		306-83-2		2903.72	0.02	
HCFC-124	Chlorotetrafluoroethanes	C ₂ HF ₄ Cl	R-124		2837-89-0		2903.79	0.02-0.04	

HCFC-124**		CHFC1 CF ₃	R-124					0.022
HCFC-131		C ₂ H ₂ F C ₁₃	R-131					0.007- 0.05
HCFC-132		C ₂ H ₂ F ₂ Cl ₃	R-132					0.008- 0.05
HCFC-133		C ₂ H ₂ F ₃ Cl	R-133					0.02- 0.06
HCFC-141	Dichlorofluoroethanes	C ₂ H ₃ F Cl ₂			1717- 00-6		2903. 73	0.005- 0.07
HCFC-141b**		CH ₃ CF Cl ₂	R-141b				2903. 73	0.11
HCFC-141b	1,1-dichloro-1-fluoroethane	CH ₃ CF Cl ₂	R-141b		1717- 00-6		2903. 73	
HCFC-142	Chlorodifluoroethanes	C ₂ H ₃ F ₂ Cl			75-68-3		2903. 74	0.008- 0.07
HCFC-142b	1-chloro-1,1-difluoroethane	CH ₃ CF ₂ Cl	R-142b		75-68-3		2903. 74	0.065
HCFC-151		C ₂ H ₄ F Cl	R-151					0.003- 0.005
HCFC-221		C ₃ HFC l ₆	R-221					0.015- 0.07
HCFC-222		C ₃ HF ₂ Cl ₅	R-222					0.01- 0.09
HCFC-223		C ₃ HF ₃ Cl ₄	R-223					0.01- 0.08

HCFC-224		C ₃ HF ₄ Cl ₃	R-224					0.01-0.09
HCFC-225	Dichloropentafluoropropanes	C ₃ HF ₅ Cl ₂					2903.75	0.02-0.07
HCFC-225ca**		CF ₃ CF ₃ CHCl ₂	R-225ca					0.025
HCFC-225cb**		CF ₂ Cl CF ₂ CH ClF	R-225cb					0.033
HCFC-226		CH ₃ HF ₆ Cl	R-226					0.02-0.10
HCFC-231		C ₃ H ₂ F ₁₅ Cl ₅	R-231					0.05-0.09
HCFC-232		C ₃ H ₂ F ₂ Cl ₄	R-232					0.008-0.10
HCFC-233		C ₃ H ₂ F ₃ Cl ₃	R-233					0.007-0.23
HCFC-234		C ₃ H ₂ F ₄ Cl ₂	R-234					0.01-0.28
HCFC-235		C ₃ H ₂ F ₅ Cl	R-234					0.03-0.52
HCFC-241		C ₃ H ₃ F ₄ Cl ₄	R-241					0.004-0.09
HCFC-242		C ₃ H ₃ F ₃ Cl ₃	R-242					0.005-0.13
HCFC-243		C ₃ H ₃ F ₃ Cl ₂	R-243					0.007-0.12
HCFC-244		C ₃ H ₃ F ₄ Cl	R-244					0.009-0.14
HCFC-251		C ₃ H ₄ F ₃ Cl ₃	R-251					0.001-0.01

HCFC-252		C ₃ H ₄ F ₂ Cl ₂	R-252					0.005-0.04	
HCFC-253		C ₃ H ₄ F ₃ Cl	R-253					0.003-0.03	
HCFC-261		C ₃ H ₅ F Cl ₂	R-261					0.002-0.02	
HCFC-262		C ₃ H ₅ F ₂ Cl	R-262					0.002-0.02	
HCFC-271		C ₃ H ₆ F Cl	R-271					0.001-0.03	
Group II (HBFCs)									PROHIBITED
CH ₂ Br ₂								1.00	
HBFC-22B1	Bromodifluoromethane	CHF ₂ Br			1511-62-2		2903.79	0.74	
		CH ₂ Br ₂						0.73	
		C ₂ HBr ₃						0.3-0.8	
		C ₂ HBr ₂ F						0.5-1.8	
		C ₂ HBrF ₂						0.4-1.6	
		C ₂ HBrF ₃						0.7-1.2	
		C ₂ H ₂ Br ₃ F						0.1-1.1	
		C ₂ H ₂ Br ₂ F ₂						0.2-1.5	
		C ₂ H ₂ BrF ₃						0.7-1.6	

		C ₂ H ₃ F Br ₂						0.1-1.7	
		C ₂ H ₃ F ₂ Br						0.2-1.1	
		C ₂ H ₄ F Br						0.07-0.1	
		C ₃ HF Br ₆						0.3-1.5	
		C ₃ HF ₂ Br ₅						0.2-1.9	
		C ₃ HF ₃ Br ₅						0.2-1.9	
		C ₃ HF ₃ Br ₄						0.3-1.8	
		C ₃ HF ₄ Br ₃						0.5-2.2	
		C ₃ HF ₅ Br ₂						0.9-2.0	
		C ₃ HF ₆ Br						0.7-3.3	
		C ₃ H ₂ F Br ₅						0.1-1.9	
		C ₃ H ₂ F ₂ Br ₄						0.2-2.1	
		C ₃ H ₂ F ₃ Br ₃						0.2-5.6	
		C ₃ H ₂ F ₄ Br ₂						0.3-7.5	
		C ₃ H ₂ F ₅ Br						0.9-1.4	
		C ₃ H ₃ F Br ₄						0.08-1.9	

		C ₃ H ₃ F ₂ Br ₃						0.1-3.1
		C ₃ H ₃ F ₃ Br ₂						0.1-2.5
		C ₃ H ₃ F ₄ Br						0.3-4.4
		C ₃ H ₄ F Br ₃						0.03-0.3
		C ₃ H ₄ F ₂ Br ₂						0.1-1.0
		C ₃ H ₄ F ₂ Br						0.07-0.8
		C ₃ H ₄ F ₃ FBr ₂						0.04-0.4
		C ₃ H ₅ F ₂ Br						0.07-0.8
		C ₃ H ₆ F Br						0.02-0.7
Group III								
Bromochloromethane		CF ₂ Br Cl			74-97-5		2903. 79	0.12

* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of these Regulations. The ODPs as a single value has been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

** Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of these Regulations.

ANNEX D*

EQUIPMENTCONTAINING CONTROLLED SUBSTANCES SPECIFIED IN ANNEX**

A

Equipment**

- 1 Automobile and truck air conditioning units (whether incorporated in vehicles or not)
- 2 Domestic and commercial refrigeration and air conditioning/heat pump equipment***

E.g.

Refrigerators	Water coolers
Freezers	Ice machines
Dehumidifiers	Air conditioning and heat pump units

- 3 Aerosol equipment, except medical aerosols
- 4 Portable fire extinguisher
- 5 Insulation boards, panels and pipe covers
- 6 Pre-polymers

Product/Equipment	HS Code/Codes
AC systems (including components and parts)	All codes under 84.15
Refrigerators & freezers:	84.18,84.19,85.10
Compressors of a kind used in refrigeration equipment	8414.30

* This annex was adopted by the Third Meeting of the Parties in Nairobi, 21st June 1991 as required by paragraph 3 of Article 4 of the Protocol.

** Though not when transported in consignment of personal or household effects or in similar non-commercial situations normally exempted from customs attention.

*** When containing Controlled Substances in annex A as a refrigerant and /or in insulating material of the equipment.

Annex E, Group I

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE ¹ safety group	CAS ² #	UN ³ #	NEW HS code	Ozone Depleting Potential	STATUS
Methyl bromide (Bromomethane)*		CH ₂ Br			74-83-9	1062	2903.39		PROHIBITED

*Only authorized through license/permit for Quarantine and Pre-shipment uses

ANNEX F: Controlled Substances

Name/Group	Chemical name	Formula	ASHRAE Refrigerant only	ASHRAE ¹ safety group	CAS ² #	UN ³ #	NEW HS code	100-Year Global Warming Potential	STATUS
Non-Ozone Depleting Substances									
Hydrofluorocarbons (HFCs)									
HFC-134		CHF ₂ CF ₂					2903.39	1,100	License/Permit Required
HFC-134a	1,1,1,2-tetrafluoroethane	CF ₃ CHF ₂	R-134a	A1	811-97-2	3159	2903.39	1,430	
HFC-152		CH ₂ FCF ₂	R-152				2903.39	53	

HFC-152a	1,1-Difluoroethane	CHF ₂ CH ₃	R-152a	A2	75-37-6		2903.39	124
HFC-125	Pentafluoroethane	CF ₃ CHF ₂	R-125	A1	354-33-6		2903.39	3,500
HFC-143a	1,1,1-trifluoroethane	CF ₃ CH ₃	R-143a	A2	420-46-2		2903.39	353
HFC-365mfc		CF ₃ CH ₂ CF ₂ CH ₃	R-365mfc				2903.39	794
HFC-32	Difluoromethane	CH ₂ F ₂	R-32	A2	75-10-5		2903.39	675
HFC-41		CH ₃ F	R-41				2903.39	92
HFC-43-10mee		CF ₃ CHFCH ₂ CF ₃	R-43				2903.39	1,640
HFC-245ca		CF ₂ FCF ₂ CHF ₂	R-245ca				2903.39	693
HFC-245fa	1,1,1,3,3-Pentafluoropropane	CF ₃ CH ₂ CHF ₂	R-245fa	A1	460-73-1		2903.39	1,030
HFC-123yf	2,3,3,3-Tetrafluoropropene	CH ₂ =CFCF ₃	R-1,2,34yf				2903.39	
HFC-227ea		CF ₃ CHF ₂ CF ₃	R-227ea					3,220

HFC-236cb	CH ₂ FCF ₂ CF ₃		R-236cb					1,340	
HFC-236ea	CHF ₂ CFCF ₃		R-236ea					1370	
Group II									
HFC-23		CHF ₃	R-23	A1	75-46-7		2903.39	14,800	License/Permit Required
Hydrofluorocarbons blends (HFCs mixtures)									
R-404A	R143a/125/134a	R-404A	A1/A1	**			3824.78		
R-507A	R143a/125	R-507A	A1	**			3824.78		
R-407A	R32/125/134a	R-407A	A1/A1	**			3824.78		
R-407B	R32/125/134a	R-407B	A1/A1	**			3824.78		
R-407C	R32/125/134a	R-407C	A1/A1	**			3824.78		
R-410A	R32/125	R-410A	A1/A1	**			3824.78		
R-508A	R23/116	R-508A	A1/A1	**			3824.78		
R-508B	R23/116	R-508B	A1/A1	**			3824.78		

SECOND SCHEDULE

FORM 1

(r. 10 (10), (2))

REGISTRATION AS A RAC TECHNICIAN OR SERVICE COMPANY
SECOND SCHEDULE

FORM 1

(r. 10(10), (2))

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS OF 2020

APPLICATION FOR REGISTRATION AS A RAC TECHNICIAN OR
COMPANY

PART A: DETAILS OF THE APPLICANT

A1: Name of applicant (Individual or Company):

.....

A2: Nationality:

A3: PIN No.:

A4: Company: Loc Foreign

A5: Business/Company registration No. (where applicable):

.....

A6: Postal and code Address.....

A7: Physical Address: (Road/Street/ Name/No. of Building)

.....

.....

A8: Telephone No.:

.....

A9: E-mail Address:

.....

A10: (i) Applicant's qualifications/and or certification (where applicable)

.....

(i) Area of expertise.....

(ii) Membership of professional body Yes/No.. Specify the name.....

A11: List of professional/certification qualifications and their nationalities (Table format and attach where applicable) (For Service Company):

.....
.....
.....
.....
.....

A11: Experience and training undertaken (Table format):

.....
.....
.....

A12: Application for registration as:

RAC Technician: RAC Company:

Level I (Artisan Grade III (Beginners) /F gas/ capacity to undertake refrigerant recovery and a single door unit refrigerator)

Level II (Artisan Grade II/Craft I and II - (Capacity to undertake a split air system, two door unit, charging and servicing with minimum two years' experience)

Level III (Artisan Grade I/Diploma in Refrigeration and Air Conditioning/) Capacity of level I and II technician)

A13: Previous registration Number and date of registration (if applicable):

.....

PART B: DECLARATION BY APPLICANT

B I: I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....
.....

Full name in block letters Signature of the Applicant Position

On behalf of.....

RAC Company name and Seal Date

PART C:

FOR OFFICIAL USE

Approved Not approved

Comments.....
.....
.....

Officer's
Name.....

Designation.....Sign.....Date.....

Important Notes: Make application online at www.nema.go.ke (licensing portal)

FORM

Application Reference No:

Registration No:

**THE ENVIRONMENTAL MANAGEMENT AND COORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS OF 2020**

CERTIFICATE OF REGISTRATION AS RAC TECHNICIAN/COMPANY

This is to certify that M/S
of..... (address) has been registered as RAC
Technician/Company in accordance with the provisions of the Environment
Management and Coordination (Controlled Substances) Regulation of 2020

Dated this.....day of..... 20....

Signature.....

(Seal)

Director-General,

National Environment Management Authority

FORM

Application Reference No.: (For official use)

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS OF 2020

APPLICATION FOR LICENCE TO PRACTICE A RAC EQUIPMENT
TECHNICIAN AND/OR COMPANY

PART A: DETAILS OF APPLICANT

A1: Name of applicant (Individual or Company):

A2: Nationality:

A3: PIN No:

A4: If Company: Local Foreign

A5: Business /company Registration No. (where applicable):
.....

A6: Postal Address:
.....

A7: Physical Address (Road/Street/Building
Name/No).....

A8: Telephone No.:
.....

A9: E-mail:

A10: Applicant's qualifications/certification:
.....
.....

A10: List of technicians, their academic/professional qualifications and their
nationalities (where applicable):
.....
.....
.....

A11: Field of Expertise

A12: Experience in RAC activities (Table):
.....
.....
.....

A13: Professional body membership no.
.....
.....

A 14: Application for license to practice as (Tick where applicable):

Technician: Service Company:

PART B: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief

.....
Full name in block letters Signature of applicant
Position

Date.....

On behalf of.....

Firm Name and seal

PART C: FOR OFFICIAL USE

Approved <input type="checkbox"/>	Not approved <input type="checkbox"/>
-----------------------------------	---------------------------------------

Comments.....

.....

.....

Name.....Designation.....Sign.....

.....Date.....

Important Notes

Make application online at www.nema.go.ke (licensing portal)

FORM

Licence No.:

Application Reference No.:

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION
(CONTROLLED SUBSTANCES) REGULATIONS OF 2020

PRACTICING LICENCE FOR RAC EQUIPMENT TECHNICIAN AND/OR
COMPANY

M/S(Individual or
Company) of

Postal Address..... is Licensed to practice in
the capacity of a (RAC Equipment Technician/Service Company)

.....

Registration No.:

in accordance with the provisions of the Environmental Management and
Coordination (Controlled Substances) Regulations of 2020

Dated this..... day of
20.....

Signature.....

....

(Seal)

Director-General, National Environment Management Authority.

Note:

This Licence expires on 31st December, 20.....

Conditions of Registration/Renewal

1. The 'Certificate of Registration' shall be kept be produced at any reasonable time on reproduced at any reasonable time on request before an Officer of the concerned authority.
2. The registration shall not be done, and shall cease to be valid, if the person to be registered or registered is in violation of these rules.
3. Validity of registration under these rules shall be for a period of twelve months from the date of registration. Its renewal can be done any time after twelve months from the date of registration/renewal.

FORM 3

(r. 11 (1), (2))

NOTIFICATION TO THE AUTHORITY TO RECOVER, RETROFIT, REUSE, RECYCLE
AND OR DISPOSE OF A CONTROLLED SUBSTANCE, EQUIPMENT AND OR AN
EQUIPMENT

Applicant's full name:

Address:

Tel. No.:

Cell phone No.:

E-mail: Fax:

Full Name and Address of the Company/Handler:

.....
.....

Company Registration No. (attach copy of the Registration certificate:

.....

NEMA Registration No. (attach copy of the Registration certificate):

.....

Physical Location (county, town, street, L.R No.):

.....

G.P.S. Co-ordinates:

S.No.	Name of Controlled Substance to be recovered/retr ofitted/reused/ recycled/dispo sed	Address of the facility where the controlled substance is being recovered/retr ofitted/reused/ recycle d/dispoused	Quantity to be recovered/retrofitt ed/reused/recycle d/dispoused	Date of commencement of recovery/retrofi t/reuse/recyclin g/disposal
1.				
2.				
3.				

DECLARATION BY APPLICANT: I hereby certify that the particulars given above are correct or true to the best of my knowledge.

Name:

Signature: Date:

FOR OFFICIAL USE ONLY

Approved/Not approved:.....

Comments:

Receipt No.: Amount (KShs):.....

Officer's Name: Signature:

Date:

NOTIFICATION OF DECOMMISSION ANY EQUIPMENT OR PRODUCT
CONTAINING CONTROLLED SUBSTANCES

Applicant's full name:.....

Address:

Tel. No.:

Cell phone No.:

E-mail: Fax:

Full Name and Address of the Company/Handler:

.....
.....

Company Registration No. (attach copy of the Registration certificate):

.....

NEMA Registration No. (attach copy of the Registration certificate):

.....

Physical Location (county, town, street, L.R No.):

.....

G.P.S. Co-ordinates:

S.No.	Name of Equipment/Product to be decommissioned	Address of the facility where the equipment to be decommissioned is located	Quantity to be decommissioned	Dates of decommissioning and disposal
1.				
2.				
3.				
4.				

Reasons for decommissioning.....
.....

Disposal plan for the decommissioned equipment/product:
.....
.....

DECLARATION BY APPLICANT: I hereby certify that the particulars given above are correct or true to the best of my knowledge.

Name:
Signature: Date:

FOR OFFICIAL USE ONLY

Approved/Not approved:
Comments:
Officer's Name: Signature:
Date:

FORM 5

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

Application Reference No:.....

(r.12 (2))

APPLICATION FOR LICENCE TO PRODUCE CONTROLLED SUBSTANCES

Name of Applicant:

.....
.....

Person Authorized to act on behalf of the Applicant: (Name and Title)

.....
.....

Contact Person (Name and Title)

.....
.....

National Identification Card/Passport No:

.....

Contact Person's Physical and Postal Address: Residential)

.....
.....

Company Name:

.....

Physical Address:

.....

Postal Address

.....
.....

Main Business Activity:

.....

Tell/Fax/E-Mail Contacts:

Registration Certificate No.....

PIN Number:

hereby applies for a license to produce the following types of Controlled Substances.

<i>Types of Controlled Substances</i> <i>Kgs)</i>	<i>Quantity to be produced (in</i>
1.....	
2.....	
3.....	
4.....	
5.....	

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to produce the Controlled Substance in compliance with the provisions of these Regulations.

Date.....20.....

Name.....

Signature.....

Witness.....

Address.....

Occupation.....

OFFICIAL USE ONLY:

Date:

Received.....

Amount paid.....

Receipt

No.....
.....

Signature.....
.....

Official
Stamp.....
.....

Accepted/Rejected

Reason(s) for
rejection.....
.....

Complaint against decision should be addressed to the tribunal and submitted
not later than

Date.....
.....

(Name and Signature of duly authorized officer)

FORM 6

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

Application reference No.....

[r.13 (2)]

APPLICATION FOR LICENCE TO EXPORT CONTROLLED SUBSTANCES

Name of Applicant:

.....

Person Authorized to act on behalf of Applicant (Name and Title).....

.....

Contact Person (Name and Title).....

.....

National Identification Card/Passport

No:.....

Contacts: Person's Physical and Postal Address

(Business):.....

Contacts: Person's Physical and Postal Address

(Residential):.....

Company Name.....

Physical Address:

Postal Address:

Main Business Activity:

Tel/Fax/Email Contacts:

Registration Certificate No:

PIN.....

hereby applies for a license to export the following types of Controlled Substances.

	<i>Type of Controlled Substances</i>	<i>Quantity (Kgs)</i>	<i>Country of Export</i>	<i>Name and Address of Importer</i>
1				
2				
3				
4				
5				
6				
7				
8				
9				

Export data for previous year-----

	<i>Type of Controlled Substances</i>	<i>Quantity (Kgs)</i>	<i>Country of Export</i>	<i>Export Entry Number</i>	<i>Name and Address of Importer</i>
1					
2					
3					
4					
5					
6					
7					
8					
9					

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the Controlled Substance in compliance with the provisions of these Regulations.

Date20.....

NameSignature.....

Witness

Address

Occupation

OFFICIAL USE ONLY

Prior Informed Consent Received: YES/NO

Date Received.....

PIN.....

Amount Paid.....

Receipt No.....

Signature.....

Official Stamp.....

Accepted/Rejected

Reason(s) for rejection:

.....
.....
.....

FORM 7

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

Application Reference No:.....

(r.14(3),(8))

APPLICATION FOR LICENCE TO IMPORT CONTROLLED SUBSTANCES /
APPLICATION FOR LICENCE TO IMPORT CONTROLLED SUBSTANCES FOR
QUARANTINE AND PRESHIPMENT USES (QPS)

Name Applicant.....

Person Authorized to act on behalf of Applicant (Name and
Title).....

.....
.....

National Identification Card/Passport
No.....

Contacts: Physical And Postal Address
(Business):.....
.....
.....

Contacts: Physical and Postal Address
(Residential):.....
.....
.....

Company Name.....

Physical Address.....

Main Business Activity.....

Tel/Fax/Email Contacts.....

Registration Certificate No.....

PIN.....

hereby applies for a license to import the following Controlled Substances.

	Type of Controlled Substances	Quantity to be Imported(Kgs)	Amount Approved	Country of Origin	Name and Address of Licensee
1					
2					
3					
4					
5					
6					
7					

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the Controlled Substance in compliance with the provisions of these Regulations.

Date:20.....

Name:Signature.....

Witness:

Address:

Occupation:

OFFICIAL USE ONLY

Date Received:

Amount Paid:

Receipt No.:

Prior Informed Consent (PIC) Issued: Yes/No

PIC Number:

Date of Issue:

Signature:

Official Stamp:

Approved Amount

	<i>Type of Controlled Substances</i>	<i>Quantity to be Imported(Kgs)</i>	<i>Amount Approved</i>	<i>Country of Origin</i>	<i>Name and Address of Licensee</i>
1					
2					
3					
4					
5					
6					
7					

Accepted/Rejected:

Reason(s) for rejection:.....
.....
.....
.....

APPLICATION FOR PERMIT TO IMPORT EQUIPMENT CONTAINING
CONTROLLED SUBSTANCES

Applicant's full name:

Address:

Tel/Cell phone No.:

E-mail: Fax:

Full Name and Address of the Importer:

Physical Location (county, town, street, L.R No.):
.....

G.P.S. Co-ordinates:

Equipment Information

Trade Name	Category of Equipment (industrial, commercial, Domestic (fridge, split air conditioning unit, compressor) etc.)	Applicable HS Code	Quantity of equipment to be imported (No. of units and Weight)	Type of Controlled Substance for the Product	Country of Origin

DECLARATION BY APPLICANT: I hereby certify that the particulars given above are correct or true to the best of my knowledge.

Name:

Signature: Date:

FOR OFFICIAL USE ONLY

Approved/Not approved:

Comments:

Receipt No.: Amount (KShs):

Officer's Name: Signature:

Date:

FORM 9

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

Application Form No:

(r.15 (1))

APPLICATION FOR CONSENT TO TRANSIT CONTROLLED SUBSTANCES
THROUGH KENYA.

1. Exporter Registration No.....
Name:
Address.....
Contact Person.....
Telephone Fax.....
Email.....
2. Importer Registration No.....
Name.....
Address.....
Contact Person.....
Telephone..... Fax.....
Email.....
3. Classification and qualities of Controlled Substances to be transported

	Class	Qualities in Kgs/Litres
1		
2		
3		

4		
5		

4. Intended period of time for transport:

Expected entry date.....

Expected exit date

5. Description of packaging type(s)

.....

6 Intended carrier(s) Registration No.

Name.....

Address.....

Contact Person.....

Telephone.....Fax.....

Means of transport.....

7 Written Prior Informed Consent (PIC) from relevant Competent Authority of country of import:

Has consent given? YES_ /NO_

If yes, attach copy of the PIC

I/WE.....hereby confirms that the above information and particulars is true and correct.

Signature and Stamp.....

Date.....

FORM 10

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

Application Ref. No:.....

(r.16 (2))

APPLICATION FOR PERMIT TO IMPORT/EXPORT CONTROLLED SUBSTANCES

Name of Applicant.....

License Number..... Control Period.....

Quantity licensed to be Imported.....

Person Authorized to act on behalf of Applicant (Name and Title):.....

.....

Contact Person (Name and Title):.....

National Identification Card/Passport Number.....

Contact Person's Physical and Postal Address (Residential):.....

Company Name:

Physical Address:

Postal Address:

Main Business Activity:

Telephone/Fax/E-Mail Contacts:

Registration Certificate Number:

Personal Identification Number (PIN):
.....

hereby applies for a permit to import the following Controlled Ozone Depleting Substances.

<i>Class/Type of Controlled Substance</i>	<i>Trade Name</i>	<i>Quantity(Kgs) to be imported/exported</i>	<i>Balance of quantity to be imported/exported</i>	<i>Country of origin/destination</i>	<i>Name and address of importer/exporter</i>

I declare that the information provided in this application is correct and accurate, and that the applicant undertakes to export the Controlled Ozone Depleting Substance in compliance with the provisions of these Regulations.

Date:20.....

Name:Signature.....

Witness:

Address:

Occupation:

OFFICIAL USE ONLY

Date Received:

Amount Paid:

Receipt No:

Signature:

Official Stamp:

Accepted/Rejected:

Reason(s) for rejection:

.....

FORM 11

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

(r.12(6),

(r.13(3), (r.14(9)

LICENCE TO PRODUCE / IMPORT / EXPORT CONTROLLED SUBSTANCES

.....is hereby licensed to produce / import / export the following Controlled Substance(s) for the period running from to

List of Controlled Substances:

<i>Type of Controlled Substances</i>	<i>Quantity to be Produced / Imported / Exported (Kgs)</i>

Conditions attached to this license:

1.
2.
3.
4.

Date:.....

.....

*DIRECTOR GENERAL
NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY*

SEAL

FORM 12

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No.8 of 1999)

(r17 (5))

PERMIT TO IMPORT/ EXPORT CONTROLLED SUBSTANCES

.....is hereby permitted to import
the following shipment of Controlled Substance(s):

License No.	Type of Controlled Ozone Depleting Substances	Trade name	Approved/license quantity (kgs)	Quantity previously imported / exported	Quantity to be imported / exported	Balance quantity to be imported / exported	Country of origin/ destination	Name and address of importer / exporter

Conditions attached to this license:

1.
2.
3.
4.

Date:.....

.....

DIRECTOR GENERAL

NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY

.....

SEAL

APPLICATION FOR VARIATION OF LICENSE OR THE CONDITIONS OF THE LICENSE

Application reference No.:

License No.:

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

APPLICATION FOR VARIATION OF CONTROLLED SUBSTANCES LICENSE

PART A: DETAILS OF APPLICANT

A1: Name (Individual or Firm):

.....

A2: Business / Company Registration No.:

.....

A3: Physical Address (Road/Street, Building name/number):

.....

A4: Postal Address and Code:

.....

A5: Name of contact person:

.....

A6: Position of contact person:

.....

A7: Postal Address and code of contact person:

.....
A8: Telephone No:

A9: E-mail:

PART B: PREVIOUS APPLICATIONS * (FILL IF APPLICABLE)

B1: No. of previous variation of Controlled Substances license issued. *

B2: Controlled Substances license was previously amended.*

PART C: DETAILS OF CURRENT CONTROLLED SUBSTANCES LICENSE

C 1: Name of the current Controlled Substances license holder:

.....

C2: Application No. of the current Controlled Substances Licence:.....

C3: Date of issue of the current Controlled Substances
License:.....

**PART D: PROPOSED VARIATIONS TO THE CONDITIONS IN CURRENT
CONTROLLED SUBSTANCES LICENCE**

D1: Conditions in the current Controlled Substances licence:

.....
.....
.....

D2: Proposed variation(s):

.....
.....
.....
.....

D3: Reason for variation(s):

.....
.....

D4: Describe the environmental changes arising from the proposed variations:

.....
.....
.....
.....

D5: Describe how the environment and the community might be affected by the proposed variations:
.....
.....

D6: Describe how and to what extent the environmental performance requirements set out in the initial application previously approved or project profile previously submitted may be affected
.....
.....

D7: Describe any additional measures proposed to eliminate, reduce or control any adverse impacts arising from the proposed variation(s) Process
.....
.....

PART E: DECLARATION BY APPLICANT

I hereby certify that the particulars given above are correct and true to the best of my knowledge and belief. I understand the Controlled Substances licence may be suspended, varied or cancelled if any information given above is false, misleading, wrong or incomplete.
.....

Name Position Signature Date on behalf of Company name and seal

PART F: OFFICIAL USE

Approved/ Not approved.....
.....

Comments.....
.....

Officers name..... Signature..... Date.....

Important Notes: Please submit- your application online on www.nema.go.ke (licensing portal)

Application Reference No.: Certificate No.:
.....

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

(No. 8 of 1999)

CERTIFICATE OF VARIATION OF LICENSE OR THE CONDITIONS OF THE LICENSE

This is to certify that the Controlled Substances No.: issued on..... (date) to (name of individual/firm) of. (Postal address) regarding (produce/ import/export the following Controlled Substance(s))

.....
.....
.....

located at (Title No. Locality and County) has been has been varied to

.....
.....

.....(nature of variation) with effect from (date of variation) in accordance with the provisions of the Act.

Dated this.....day of.....20.....

Signature.....

(Seal) Director –General National Environment Management Authority

Conditions of Renewal

1. A variation of Controlled Substances license issued under regulation 24 may be issued without the holder of the license submitting a fresh Controlled Substances application for produce/import/export if the Authority is satisfied that the proposed variations would comply with the requirements of the original license.
2. The 'Certificate of Controlled Substances' shall be kept be and produced at any reasonable time on request before an Officer of the concerned Authority.

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

(No. 8 of 1999)

CERTIFICATE OF VARIATION OF LICENSE OR THE CONDITIONS OF THE LICENSE

Application Reference No.:..... Certificate No.:

This is to certify that the Controlled Substances No.: issued on..... (date) to (name of importer/exporter) of. (Postal address) regarding (produce/ import/export the following Controlled Substance(s))

.....
.....
.....

located at (Title No. Locality and County) has been has been varied to

.....
.....
.....(nature of variation) with effect from (date of variation) in accordance with the provisions of the Act.

Dated this.....day of.....20.....

Signature.....

(Seal) Director -General National Environment Management Authority

Conditions of Renewal

- 1. A variation of Controlled Substances license issued under regulation 24 may be issued without the holder of the license submitting a fresh Controlled Substances application for produce/import/export if the

Authority is satisfied that the proposed variations would comply with the requirements of the original license.

2. The 'Certificate of Controlled Substances' shall be kept be and produced at any reasonable time on request before an Officer of the concerned Authority.

ALTERNATIVES TO CONTROLLED SUBSTANCES THAT ARE OZONE AND
CLIMATE FRIENDLY AND EQUIPMENT OR PRODUCT CONTAINING SUCH
ALTERNATIVES TO THE CONTROLLED SUBSTANCES

Halogen-free Refrigerants (Ozone and climate friendly refrigerants)								License/P ermit Required
R-717	Ammon ia	NH ₃	R-717	B2	766 4- 41-7	1005	2814.1 0	
R-744	Carbon dioxide	CO ₂			124- 38-9		2811.2 1	
R-600	Butane	CH ₃ C H ₂ CH ₂ CH ₃			106- 97-8		2901.1 0*	
R-600a	Iso- Butane		R-600a	A3	75- 28-5	1969	2901.1 0*	
R-290	Propan e		R-290	A3	74- 98-6	1978	2711.1 2	

*The HS Code applies only if the concentration of butane and iso-butane is higher than 95%. Otherwise, the substance should be classified in the specific provision of subheading 2711.13 for "Butanes".

THIRD SCHEDULE

FORM A

(r. 8)

MATERIAL SAFETY DATA SHEET

A Material Safety Data Sheet (MSDS) or Safety Data Sheet (SDS) should contain the following items:

1. Identification;
2. Hazard identification;
3. Composition / information of ingredients;
4. First-aid measures;
5. Fire-fighting measures;
6. Accidental release measures;
7. Handling and storage;
8. Exposure controls / personal protection;
9. Physical and chemical properties;
10. Stability and reactivity;
11. Toxicological information;
12. Ecological information;
13. Disposal considerations;
14. Transport information;
15. Regulatory information;
16. Other information.

REFRIGERANT IDENTIFIER AND LEAK DETECTORS

A. *Leak Detectors*

(r. 10 (2))

Principle of operation

1. Indicate the presence of halogen atoms specifically chlorine or fluorine atoms in the air that would be present if the cylinder is leaking.
2. Indicate flammable refrigerants based on combustible gas detector.
3. Indicate non-flammable refrigerants.
4. Ensure regular maintenance and calibration.
5. Any other applicable procedures as recommended by Ozone Secretariat.

B. *Refrigerant Identifier / Analyzers*

(r. 34(2))

Principle of Operation

1. Identification of ozone depleting substance (ODS) and non-ozone depleting substance (non-ODS).
2. Analyze the composition of certain refrigerant blends, water content, purity and presence of highly flammable substances.
3. Identification of halogens using standard chemical laboratory analysis / methods such as mass spectrometer and gas chromatograph.
4. Ensure regular maintenance and calibration.
5. Any other applicable procedures as recommended by Ozone Secretariat.

FORM D

THE ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

REGISTER OF LICENSES ISSUED

(r. 32)

<i>Licence No.</i>	<i>Name of licensee</i>	<i>Date of issue</i>	<i>Type/class of Controlled Substance to be imported / exported</i>	<i>Trade Name</i>	<i>Activity license imported / export</i>	<i>Quantity to be imported / exported (Kgs)</i>	<i>Contact address of licensee</i>	<i>Country of origin/destination</i>	<i>Conditions attached to the license</i>

FORM G

THE ENVIRONMENTAL MANAGEMENT AND COODINATION ACT

(No. 8 of 1999)

THIRD SCHEDULE

(r. 33)

REGISTER OF RETURNS MADE BY LICENCEES

<i>Name of Licensee</i>	<i>Contact Address of Licensee</i>	<i>License No</i>	<i>Type/Class of Controlled Substance to be Imported/Exported</i>	<i>Trade Name</i>	<i>Actual Date Of Import/Export</i>	<i>Quantity Imported/Exported (Kgs)</i>	<i>Ozone Depleting Potential (ODP)</i>	<i>Calculated Level Of Import/Export Quantity Of The Controlled Substance In Use In The Country</i>	<i>Date Of Control</i>	<i>Name And Address Of Recipients Of The Controlled Ozone Depleting Substance(S)</i>

FOURTH SCHEDULE

FORM A

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT
(No. 8 of 1999)

(r. 31 (1))

Declaration No.....

DECLARATION BY THE RECIPIENT/BUYER OF CONTROLLED
SUBSTANCE(S)

Information concerning the vendor/supplier:

Name of vender/supplier:
.....

PIN Number:Telephone:
.....

License Number:
.....

Address:
.....

Information concerning the Buyer/Recipient

Contact person (Name and Title):
.....
.....
.....

National Identification Card/Passport Number:
.....

Contact person's physical and postal address: (Residential)
.....
.....
.....

Company Name:
.....

Physical Address:
.....

Postal Address:
.....

Main business activity:

.....

Telephone/Fax/E-mail contacts:

.....

Registration Certificate Number:

.....

PIN:

.....

Type of Controlled Ozone Depleting Substance	Quantity (Kgs)	Trade Name	Purpose

I undertake not to sell or otherwise supply any of the quantity of the Controlled Substances received to any person who has not signed a declaration in this format.

I also undertake to use all of the Controlled Substances received for the purpose set out in the declaration but not for any other purpose.

I declare that the information provided in this declaration is correct to the best of my knowledge and belief.

Designation: Signature:

.....

Company: Address:

.....

Occupation:

.....

Witness: Signature:

.....

Official use only:

Date Received:

Amount paid:

Receipt No.

Licence No.

Signature:

Official stamp:

FOURTH SCHEDULE

FORM C

(r. 31 (3))

**RECORD OF QUANTITIES OF CONTROLLED SUBSTANCES RECOVERED,
DISPOSED OR EXPORTED FOR DISPOSAL**

Frequency of report: Quarterly

Last date for submission of report: Within the calendar year

Name of Company: _____ Period of report: _____

No.	Name of Controlled Substances (Trade name and HS Code)	Quantity to be Recovered/Disposed/Exported for Disposal (Kgs)

Name of Disposal Facility:

Location (County, Street name, L.R. No.):

GPS Co-ordinates.....

Sr. No.	Purchase order No. & date	Bill of Lading no. & date	Quantity imported all uses	Quantity of new controlled substance imported to use as

Free on Board (FOB) Value \$	Free on Board (FOB) Value Rs.	Import license No. & date	Country from which imported	Name & address of seller	Port of shipment	Port of delivery
TOTAL						

Authorized Company Signature: Date:

FIFTH SCHEDULE

THE ENVIRONMENTAL MANAGEMENT AND COORDINATION ACT

(No. 8 of 1999)

(r. 32 (1) (2),(3))

**REPORT ON THE IMPORTATION/EXPORTATION / SALE /STOCKING /
STORAGE / PURCHASE OF CONTROLLED SUBSTANCES**

Name of License:

.....

Application Number:

.....

Name of Licensing Officer:

.....

Contact Person (Name and Title)

.....

National Identification Card/Passport Number:

.....

Contact Person's Physical and Postal Address:

.....

.....

Company Name:

.....

Physical Address:

.....

Postal Address:

.....

Main Business Activity:

.....

Telephone/Fax/E-mail Contacts:

.....

Registration Certificate Number:

.....

Personal Identification Number:

.....

..... Hereby submits a report on the importation/exportation of the following Controlled Substances

<i>Class/Type of Controlled Substance</i>	<i>Trade Name</i>	<i>Quantity (Kgs) Licensed to be imported / exported</i>	<i>Date of import / export</i>	<i>Quantity imported / exported</i>	<i>Balance to be imported / exported</i>	<i>Country of origin/ destination</i>	<i>Name and address of importer / exporter</i>

Use(s) of the Controlled Substance imported/exported:

- (a)
- (b)
- (c)
- (d)

Date of clearance:

.....

I declare that the information provided in this report is correct and accurate to the best of my knowledge and belief.

.....

Date

Name

Signature

Designation:

.....

Company:

.....

Address:

.....

Occupation:

.....

Official Use Only

Date Received:

.....

Amount paid:

Receipt Number:

Signature:

Official stamp:

SIXTH SCHEDULE

ENVIRONMENTAL MANAGEMENT AND CO-ORDINATION ACT

(No. 8 of 1999)

(r 9(2), 10 (2), 11(3), 12(2)(b), 13(2), 31)

FEES

The fees chargeable under these Regulations shall be as specified hereunder and shall be non-refundable except as indicated.

(a) Application for a license to produce Controlled Substances.....Kshs.
100,000

(b) Application for a license to export or import Controlled Substance;

200,000 kg and above.....Kshs. 30,000

100,000 kg - 199,000 kg.....Kshs. 20,000

1 kg - 99,000 kg.....Kshs. 10,000

(c) Application for a permit to export or import a Controlled Substance;

200,000 kg and above.....Kshs. 3,000

100,000 kg - 199,000 kg.....Kshs. 2,000

1 kg - 99,000 kg.....Kshs. 1,000

(d) Application for license to import ozone and climate friendly gases
(halogen free refrigerants) Kshs 0

(e) Application for permit to import Energy Efficient, ozone and climate
friendly Refrigeration and Air Conditioning
equipment.....Kshs 0

- (f) Application to export a Controlled Substance..... Ksh. 7,500
- (g) Application for registration as a Refrigeration and Air Conditioning practitioner;
 - Technician (Level I, II and III) Ksh. 3000
 - Corporate Companies Ksh. 30,000
- (h) Annual practicing license as a Refrigeration and Air Conditioning practitioner
 - Technician**
 - i) Level I Ksh. 2000
 - ii) Level II Ksh. 3000
 - iii) Level III Ksh. 4000
 - RAC Companies** Ksh 15,000

Made on the _____ of _____ 2024

SOIPAN TUYA
Cabinet Secretary Ministry of Environment, Climate Change & Forestry