



AUDITOR-GENERAL'S PERFORMANCE AUDIT REPORT ON REGULATION OF PESTICIDES IN KENYA

JUNE 2026

	
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FOREWORD

I am pleased to present this Performance Audit Report on Regulation of Pesticides in Kenya by the Pest Control Products Board. My Office carried out the audit under the mandate conferred to me by Article 229(6) of the Constitution of Kenya, 2010, to confirm whether or not public money has been applied lawfully and in an effective way. In addition, Section 36 of the Public Audit Act, 2015 requires the Auditor-General to examine the economy, efficiency and effectiveness with which public money has been expended.

Performance, financial and compliance audits form the three-pillar audit assurance framework that I have established to give focus to the varied and wide scope of the audit work done by my Office. The framework is intended to provide a high level of assurance to stakeholders that public resources are not only correctly disbursed, recorded and accounted for, but that the use of the resources results in positive impact on the lives and livelihoods of the Kenyan people. The main goal of our performance audits is to ensure effective use of public resources and promote service delivery to Kenyans.

The Report is submitted to Parliament in accordance with Article 229(7) of the Constitution of Kenya, 2010 and Section 39(1) of the Public Audit Act, 2015. In addition, I have submitted copies of the Report to the Chief of Staff and Head of Public Service, Principal Secretary, The National Treasury, Principal Secretary, State Department of Agriculture and the Chief Executive Officer, Pest Control Products Board.


FCPA Nancy Gathungu, SBS
AUDITOR-GENERAL

10 June, 2026

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LIST OF ABBREVIATIONS

Abbreviation	Definition
ACA	Anti-Counterfeit Authority
FAO	Food and Agriculture Organization
KENTRADE	Kenya Trade Network
KEPHIS	Kenya Plant Health Inspectorate Service
MRL	Maximum Residue Limit
PCP	Pest Control Product
PCPB	Pest Control Products Board
SDG	Sustainable Development Goal

GLOSSARY OF TERMS

Term	Definition
Pest	Any species, strain or biotype of plant, animal or pathogenic agent injurious to plants and plant products, materials or environments and includes vectors of parasites or pathogens of human and animal disease and animals causing public health nuisance.
Maximum Residue Limit	Maximum concentration of a residue that is legally permitted or recognized as acceptable in or on a food or agricultural commodity or animal feedstuff.
Personal protective equipment	Any clothes, materials or devices that provide protection from pesticide exposure during handling and application. It includes both specifically designed protective equipment and clothing reserved for pesticide application and handling.
Toxicity	The quality of being poisonous or harmful.

EXECUTIVE SUMMARY

Introduction

1. The Food and Agriculture Organization (FAO) defines pesticides as substances used to repel, destroy, control pests or regulate plant growth. While pesticides play a vital role in protecting crops and supporting agricultural productivity, improper use poses risks to human health and the environment, including pollution and harm to non-target organisms. In Kenya, pesticide regulation, including importation, manufacture, distribution and use is overseen by the Pest Control Products Board.

Motivation of the Audit

2. The audit was motivated by the following factors: -
 - i. Various articles published by Kenya's media point out that a large percentage of pesticides used in the Country are either hazardous¹, substandard² or have been banned in the Country. The articles state that exposure to these pesticides can have negative health impacts on farm workers and their families, as well as on consumers who may be exposed to pesticide residues.
 - ii. The National Assembly has repeatedly deliberated on pesticide regulation. Notably, on 20 November, 2024, Members of Parliament questioned the Cabinet Secretary for Agriculture on the implementation status of resolutions arising from a petition against the use of carcinogenic pesticide products in the Country. The Members, particularly wanted to know the measures taken to ensure withdrawal of banned pesticides from the market. Earlier, on 15 November, 2022, the House had resolved that the Board should enhance enforcement and surveillance to safeguard the quality and safety of pest control products in the Country.
 - iii. According to the Economic Survey 2025 by the Kenya National Bureau of Statistics, Kenya's fresh vegetable export reduced by 54.7%, from 164,100 tons in the year 2023 to 74,300 tons in 2024. The decline is partly attributed to strict European Union regulation on pesticide use according to an article by

¹ Daily Nation on August 7, 2024 Daily Nation on June 9 2025

² Star Newspaper on July 19, 2024

TradeMark Africa³ dated 3 June, 2025. This has resulted in significant losses to farmers, hence the need for effective regulation of pesticide in Kenya.

Audit Objective

3. The audit assessed the extent to which the Pest Control Products Board ensures regulatory oversight on supply, use and disposal of pesticides in the Country in order to minimize exposure to harmful pesticides on human health, biodiversity and the environment. Specifically, the audit assessed the extent to which the Board:
 - i. Monitors and enforces compliance with regulations on the supply, use and disposal of pesticides to reduce unsafe practices and prevent environmental harm;
 - ii. Conducts effective post-registration surveillance to generate scientific data on pesticide use in the Country; and
 - iii. Collaborates and coordinates with other regulatory agencies to ensure effective regulatory oversight of supply, use and disposal of pesticides in the Country.

Audit Scope

4. The audit focused on the Board's operations, systems and processes relating to registration, licensing, inspection, enforcement, surveillance of long-term pesticide uses and collaboration with other regulatory agencies. The audit focused on pesticides used in agricultural crops regulated by the Board throughout the Country. The audit covered the financial year 2021/2022 up to March 2026 and was conducted between September 2024 and March 2026.

Summary of Key Audit Findings

A. Progressive Rise in the Number of Inspected Premises that Handle Pesticides

5. The audit established that the Board did not have an updated database containing the actual number of premises that handle pesticides in the Country and the status of the same. However, the number of inspected premises annually increased over

³ TradeMark Africa (TMA) is a leading African Aid-for-Trade organization founded in 2010, with the mission to grow intra-African trade and increase Africa's share in global trade, while helping make trade more pro-poor and sustainable

the audited period from 6,322 in the Financial Year 2021/2022 to 11,150 in the Financial Year 2024/2025, representing a 76% increase.

B. Continued Sale of Non-Compliant Pest Control Products despite Increased Enforcement Measures

6. Over the audit period, the number of expired, counterfeit and unregistered pest control products impounded by the Board increased from 902 Kilograms in the financial year 2021/2022 to 28,617 Kilograms in the financial year 2024/2025. This was as a result of increased inspections. However, this also indicated that increased inspections were not a deterrent to production and sale of such products. Further, despite the Board impounding the products and securing convictions, the Board did not revoke the premises' certificates, thereby sustaining the risk of repeat offences and the continued sale of illegal products.

C. Lack of Timely and Routine Follow-up and Tracking of Inspected Facilities

7. Follow-up inspections are key as they verify that previously identified non-compliance cases have been corrected, ensuring that facilities meet safety and regulatory standards before certification. The audit established that follow-up inspections were not conducted regularly and often depended on the severity of the non-compliance observed. A survey with agro-dealers revealed that out of the fifty-five (55) sampled agro-dealer premises, twenty-seven (27), representing 49%, had undergone at least one (1) follow-up inspection in the financial year 2024/2025. In eleven (11) out of the twenty-seven (27) premises that had follow-up conducted in the same financial year, the inspections occurred after more than ninety (90) days, surpassing the regulatory timeframe of sixty (60) days.
8. Review of the compliance and enforcement annual work plans revealed that the Board primarily planned for annual inspections, with no provision for follow-up inspections. Additionally, there was absence of a structured follow up inspection framework. The lack of timely and routine follow-up inspections delayed corrective actions and could lead to farmers accessing and using non-authorized pest control products from agro-dealers, thus causing food and environmental safety concerns.

D. Limited Reach of the Board's Sensitization Programs on Safe Handling of Pesticides

9. Analysis from survey data of farmers and agro-dealers indicated that awareness at farmer level was limited. For instance, analysis of data from farmer surveys revealed that out of the forty-nine (49) farmers interviewed, only 29% stated that they had been trained by the Board on regulation and safe use of pesticides. Further, of the fifty-five (55) agro-dealers interviewed, 65% reported having received training or sensitization from the Board. This indicated that the Board's sensitization programs focused more on agro-dealers than farmers, who are the primary pesticide users. Lack of farmer awareness can be attributed to inadequate provision of agricultural extension services due to inadequate extension service officers and inadequate prioritization of extension services. The Board engages farmers through the County Agricultural Extension Officers, however, the audit revealed that there were inadequate number of these Officers at the County level.

E. Lack of Periodic Review of Pest Control Products

10. The Board's Strategic Plan, 2023-2027 provides for periodic re-evaluation of registered pesticides to ensure their continued effectiveness and safety against both traditional and emerging pests and diseases. The audit established that the Board conducts post registration reviews when triggered by factors such as new scientific evidence, international trade concerns and public health and environmental concerns, as opposed to periodic reviews. The Board had not established a formal review cycle or developed Standard Operating Procedures (SOPs) to guide the frequency and prioritization for conducting periodic re-evaluations. Insufficient periodic reviews of pest control products potentially lead to the risk of not identifying pesticides that pests are resistant to, those that are harmful to beneficial organisms and those that contaminate food, water and soil.

F. Lack of Continuous Pesticide Residue Monitoring by the Board

11. The audit established that during the period under review, the Board had not conducted pesticide residue analysis in water or environmental samples such as soil. The Board only undertook three (3) baseline studies on pesticide residue on

kales, onions and tomatoes in 2024, and a residue analysis on potatoes in June 2025. These tests only covered four (4) agricultural products across twelve (12) out of the forty-seven (47) counties. This limited scope constrained the Board's ability to identify and address pesticide-related health and environmental risks, thereby undermining evidence-based regulatory action.

G. Limited Collaboration between the Board and County Governments

12. The audit established that collaboration between the Board and county governments on certification of facilities handling pesticides was minimal. Out of ten (10) sampled counties whose data was obtained, only one (1) county collaborated with the Board by identifying agro-dealer outlets, and accompanying the Board's inspectors. Only two (2) counties participated in routine inspections, though not regularly, while only one (1) county shared data on licensed premises with the Board. The remaining counties had no engagement with the Board on certification or inspection of facilities.

H. Absence of Pest Control Products Board Officers at Border Points

13. The audit established that the Board had technical officers in thirteen (13) out of the thirty (30) operational and gazetted border points across the Country. There were therefore, no physical inspections of pesticides in the seventeen (17) border points that lacked PCPB technical officers in order to verify the consignments on transit. This increased the risk of illegal entry of pesticides into the Country.

I. Limited Collaboration between the Board and Players in the Agrochemical Industry on Collection and Disposal of Pesticides Waste and Containers

14. The audit established that the Board collaborated with the agrochemical industry primarily through the Agrochemicals Association of Kenya (AAK), under a Producer Responsibility Framework. In 2014, AAK, in collaboration with the Board and the Kenya Agricultural Productivity and Agribusiness Project, implemented the Sustainable Empty Pesticide Container Initiative. The Initiative was implemented across sixteen (16) counties, over a ten-year period, establishing approximately four hundred (400) collection centers nationwide. However, the Initiative was not sustained, with about sixty percent (60%) of the centers becoming inactive after the initial phase in 2015, and none was operational as at March 2026. The limited

collaboration was attributed to weak institutional coordination mechanisms between the Board, counties, and industry players. In addition, limited awareness and low community ownership hindered the sustainability of disposal initiatives.

J. Limited Sharing of Data between the Board and the Kenya Plant Health Inspectorate Service

15. The audit established that the Kenya Plant Health Inspectorate Service (KEPHIS) independently carried out the National Pesticide Residue Monitoring Program. The Program involves regular sampling and testing of agricultural produce to ensure compliance with national and international residue standards. However, as at the time of audit, KEPHIS had not shared this data with the Board, despite requests by the Board. This limited the Board's access to scientific evidence for informed decision-making, and constrained its ability to effectively regulate and oversee compliance with residue standards.

Conclusion

16. The Board has not adequately monitored and enforced compliance with regulations on supply and use of pesticides to reduce unsafe practices and prevent environmental harm. Farmers are accessing and using non-authorized pest control products, negatively affecting food safety and the environment.
17. There is limited awareness creation to farmers and agro-dealers on proper use and disposal of pesticides and pesticide waste. Hence, there is a high risk of improper application of pesticides and unsafe disposal of associated waste by farmers, leading to increased exposure to toxic substances, as well as soil and water contamination.
18. The Board has not been effective in undertaking periodic post-registration surveillance to generate primary scientific data on the quality, safety and efficacy of the existing pesticides in the Country. Consequently, the Board has not been able to proactively make data driven decisions to ensure only safe, quality and compliant products are in circulation in the Country, as well as respond to emerging risks.

19. The Board has not undertaken an assessment of the impact of prolonged use of pesticides on the environment and water. There is therefore, a high probability that risks posed by pesticides to biodiversity have materialized and are negatively affecting human health.
20. The Board has only carried out limited residue monitoring on food, as a result, the Board has not detected and managed potential health risks associated with consuming foodstuffs with pesticide residues exceeding the required limits.
21. There has been ineffective collaboration between the Board and other regulatory agencies that oversight the supply, use and disposal of pesticides. This has been attributed to lack of a framework with relevant agencies, specifying roles and responsibilities for each stakeholder. As a result, the Board is deprived of critical data and opportunities for inter-agency synergy to ensure effective regulation of pesticides.

Recommendations

22. To ensure timely and routine follow-up of inspections, the Pest Control Products Board should develop and implement a structured follow-up inspection framework, and formally integrate follow-up inspections into its annual work plans.
23. To ensure sensitization programs effectively reach farmers and agro-dealers, the Pest Control Products Board, in collaboration with county governments, should establish a structured framework to engage county extension officers. This will ensure that agro-dealers are enlightened on the importance of stocking only registered and genuine products. Further, farmers will be well informed on proper pesticide application and safe disposal methods.
24. To ensure periodic assessment of registered pest control products, the Pest Control Products Board should establish and implement a structured periodic review cycle supported by Standard Operating Procedures. This will ensure that pesticides remain safe, effective, and compliant with current scientific standards throughout their lifecycle.
25. The Pest Control Products Board should implement a data-driven and adaptive planning framework for formulation analysis. The framework should incorporate

prior-year performance and risk information to set realistic targets and strengthen enforcement of registered pesticide specifications. Further, the Board should collaborate with accredited laboratories, to enable analysis of a wider range of pesticide molecules and active ingredients.

26. The Pest Control Products Board should operationalize a continuous and comprehensive pesticide residue monitoring program, including food, water, environmental samples, and fast-track laboratory accreditation to strengthen evidence-based regulation. This is to safeguard public health and enable evidence-based environmental management, by identifying and quantifying contaminants on agricultural produce, irrigation water, and soil.
27. The Pest Control Products Board should develop formal coordination mechanisms with county governments, including regular data-sharing systems, to strengthen certification oversight, and ensure all operating agro-dealers comply with regulatory requirements.
28. The Board should progressively deploy technical officers to all border points, while strengthening collaboration with border agencies through formal coordination frameworks, joint inspections, and capacity building to ensure adequate monitoring of pesticide consignments.
29. To enhance proactive detection and removal of counterfeit pest control products from the market, the Board should formalize and strengthen collaboration with the Anti-Counterfeit Authority through a structured framework that defines roles and coordination mechanisms.
30. To ensure collection and proper disposal of pesticide waste and containers, the Pest Control Products Board, in collaboration with the Agrochemical Association of Kenya, Hazardous Waste Producer Responsibility Organization of Kenya, and county governments should work with the players in the agrochemical industry to create a structured and sustainable collaboration framework. This will also ensure long-term functionality of collection centres and improved producer responsibility compliance.

31. The Pest Control Products Board and the Kenya Plant Health Inspectorate Service should establish a formal data sharing mechanism to enhance post-registration surveillance and ensure informed regulatory action based on pesticide residue evidence.

CHAPTER 1: BACKGROUND OF THE AUDIT

Introduction

- 1.1 The Food and Agriculture Organization (FAO) defines pesticides as any substance, or mixture of substances of chemical or biological ingredients intended for repelling, destroying or controlling any pest, or regulating plant growth. Pesticides play a vital role in the agricultural sector by safeguarding crops from pests, diseases and weeds, which are major threats to food production. This not only secures farmers' incomes, but also supports agricultural export markets by maintaining the quality of key exports like flowers and vegetables, contributing to economic growth. However, uninformed pesticide use poses risks to human health and may cause air pollution, water contamination or pollution, harming non-target organisms and causing soil degradation.
- 1.2 The use of pesticides is regulated by the Pest Control Products Board (PCPB), herein referred to as the Board. The Board regulates the importation, exportation, manufacture, distribution and use of pest control products.

Motivation of the Audit

- 1.3 The Auditor-General authorized the audit after considering the following factors: -
- i. Various articles published by Kenya's media, point out that a large percentage of pesticides used in the Country are either hazardous⁴, substandard⁵ or have been banned in the Country. The articles state that exposure to these pesticides can have negative health impacts on farm workers and their families, as well as on consumers who may be exposed to pesticide residues.
 - ii. The National Assembly has on numerous occasions discussed regulation of pesticides in the Country. For instance, on 20 November, 2024, Members of Parliament⁶ questioned the Cabinet Secretary for Agriculture on the status of implementation of the National Assembly's resolutions in a petition against the use of carcinogenic pesticides products in the Country. They sought to know the steps being undertaken by the Ministry of Agriculture to ensure banned

⁴ Daily Nation on August 7, 2024, Daily Nation on June 9 2025

⁵ Star Newspaper on July 19, 2024

⁶ National Assembly Debate, Hansard, VOL.III NO. 103

pesticides are withdrawn from the market. This same issue had been discussed on November 15, 2022, where Members of Parliament resolved, among other things, that PCPB should increase enforcement and surveillance activities to ensure the safety and quality of pest control products in the Kenyan market.

- iii. Effective regulation of pesticides supports the Bottom-up Economic Transformation Agenda of agriculture transformation and inclusive growth and manufacturing. While the broader target is to improve agricultural productivity to guarantee food security, create jobs and increase Kenya's exports, the potential misuse of pesticides poses significant risks that could undermine achievement of the government's development agenda.
- iv. According to the Economic Survey 2025 by the Kenya National Bureau of Statistics, Kenya's fresh vegetable export reduced by 54.7%, from 164,100 tons in the year 2023 to 74,300 tons in 2024. The decline is partly attributed to strict European Union regulation on pesticide use according to an article by the TradeMark Africa dated 3 June, 2025. This has resulted in significant losses to farmers, hence the need for effective regulation of pesticide in Kenya.
- v. Regulation of pesticides is in line with Kenya's commitment to the United Nations' Sustainable Development Goals (SDGs), as follows:
 - a. Target 4 of SDG 2, which seeks to ensure sustainable food production systems and implement resilient agricultural practices that increase productivity. Misuse of pesticides can harm ecosystems, contaminate water resources, and reduce biodiversity, thus undermining the sustainability aspect of the Target.
 - b. Target 9 of SDG 3, which seeks to reduce the number of deaths and illnesses from hazardous chemicals and air, water, soil pollution and contamination. Pesticides, when mismanaged can contribute significantly to air, water and soil pollution, posing risks to human health and ecosystems, thus undermining efforts made to towards attainment of the Target.

- 1.4 Improved regulation of pesticides can aid in minimizing the risks associated with their use, thereby protecting public health and the environment. An audit was therefore, necessary to assess whether the Board is fulfilling its mandate towards ensuring the effective regulation of pesticides in Kenya.

CHAPTER 2: DESIGN OF THE AUDIT

Audit Objective

- 2.1 The audit assessed the extent to which the Pest Control Products Board ensures regulatory oversight on supply, use and disposal of pesticides in the Country to minimize exposure to harmful pesticides on Human Health, Biodiversity and the Environment.
- 2.2 Specifically, the audit assessed the extent to which the Board:
- i. Monitors and enforces compliance with regulations on the supply, use and disposal of pesticides to reduce unsafe practices and prevent environmental harm;
 - ii. Conducts effective post-registration surveillance to generate scientific data on pesticide use in the Country; and
 - iii. Collaborates and coordinates with other regulatory agencies to ensure effective regulatory oversight of supply, use and disposal of pesticides in the Country.

Audit Scope

- 2.3 The audit focused on the Board's operations, systems and processes relating to registration, licensing, inspection, enforcement, surveillance of long-term pesticide uses and collaboration with other regulatory agencies. The audit focused on pesticides used in agricultural crops regulated by the Board throughout the Country. The audit covered the financial year 2021/2022 to March 2026 and was conducted between September 2024 and March 2026.

Audit Methodology

- 2.4 The audit was conducted in accordance with the Performance Audit Standard ISSAI 3000, issued by the International Organization of Supreme Audit Institutions. The Standard requires that the audit is planned and performed to obtain sufficient and appropriate audit evidence. The Standard also requires that the audit should provide a reasonable basis for the findings, conclusion, and recommendations, based on the audit objectives.

Methods Used to Gather Audit Evidence

2.5 The audit team used document review, interviews and physical inspections to collect data, as outlined below: -

- i. **Document Review:** The audit team reviewed relevant documents such as approved budgets, activity plans, status reports on pesticide control activities, inspection, monitoring and evaluation reports, awareness creation reports, pesticide reevaluation reports and pesticide residue analysis reports, among others, as detailed in **Table 1**.

Table 1: List of Documents Reviewed

Documents	Reasons for Review
Pests Control Products Board Service Charter	To identify the services carried out by the Board and their timelines.
Approved budget allocations and expenditure reports on the activities of the Board	To obtain the amount of funds allocated and received and how the funds were utilized for activities carried out by the Board.
Pesticide control regulation activity plans	To obtain activities undertaken for the period under review.
Inspection, monitoring and evaluation Reports	To gather evidence of monitoring and evaluation carried out and establish areas of weakness and how corrective actions are undertaken.
Awareness creation reports	To identify and assess the activities carried by the Board to promote civic education on pest control.
Pesticide reevaluation reports	To assess if the Board was reviewing registered pesticides to ensure the quality and safety of pesticides against emerging risks.
Pesticide residue analysis reports	To assess whether the Board ensures regulatory compliance on the use of pesticides in the country.
Pesticide formulation analysis reports	To assess whether the Board ensures that registered pesticides meet the registration specifications.
Standard operating procedures	To assess whether the Board had documented procedures that guide the activities undertaken.
Current staff establishment	To compare the approved staffing levels with those in post to identify staffing gap.

- ii. **Interviews:** The audit team interviewed various key personnel within the Board to gain insights on the causes and consequences of performance issues identified. In addition, the audit team interviewed sampled key stakeholders to assess the level of collaboration, particularly with regard to post registration surveillance of pesticides, agricultural extensions services, licensing of agro-dealers and farming practices. Further, the team interviewed manufacturers, importers, exporters, and users of pest control products. The aim was to assess their level of compliance with relevant regulations and gain

insights on the causes and consequences of the lack of compliance. The list of people interviewed is detailed in **Appendix 1**.

- iii. **Site Visits:** The audit team conducted site visits to the premises of key stakeholders, including Agro-dealers, small and large-scale farmers. This was to evaluate how end-users interact with the Board and to assess compliance with the Pest Control Products Board regulations. The Border control points and field offices were also inspected in order to assess the nature and scope of regulatory activities carried out at the locations. The list of the sampled is detailed in **Appendix 2**.

Sampling and Sampling Criteria

- 2.6 Twelve (12) counties were sampled for the audit; Nairobi, Kisumu, Busia, Uasin-Gishu, Kericho, Embu, Kirinyaga, Mombasa, Kwale, Kilifi, Nyandarua and Nakuru County. The sampling was based on; area of coverage, proximity to border points, agricultural activities and information from previous regional compliance and inspection reports, as detailed in **Appendix 2**. The Audit Team also randomly selected agro-dealers, large scale and small-scale farmers within the selected counties to gain insights on the sale and use of pesticides, and identify any challenges faced in the pesticide value chain.

Audit Assessment Criteria

- 2.7 The audit team assessed the regulation of pesticides in the Country against criteria drawn from the Board's statutory mandate and strategic goals. The team also referred to recommended practices on regulation of pesticides from the International Code of Conduct on Pesticide Management from the Food and Agriculture Organization (FAO) and the World Health Organization, which Kenya has committed to abide to. The criteria are listed below, and requires the Board to:
 - i. Process and issue import permits to ensure that only registered products are imported and in the right quantities;
 - ii. Monitor the supply, sale and use of pesticides and ensure adherence to quality standards of pest control products from production to use;

- iii. Assess the suitability of premises used for manufacture/formulation, storage and distribution of pest control products for purposes of licensing and investigating offences related to the Pest Control Products Act, CAP 346 of 1982;
- iv. Re-evaluate registered pesticides to ensure that there are products for both traditional and emerging pests and diseases;
- v. Undertake post-registration analysis by sampling pest control products in the market and analyzing the formulations to ensure that they are of quality;
- vi. Continuously monitor pesticide residues in food crops through periodic sampling from local markets through laboratory analysis and take the required remedial measures where cases of contraventions have been detected; and
- vii. Have mechanisms for coordination with the with other relevant agencies whose functions intersect with pesticide control in order to ensure a reliable inspection system for pesticides and to prevent the entry of prohibited pesticides.

2.8 Detailed assessment criteria are provided in **Appendix 3** and the findings chapter.

CHAPTER 3: DESCRIPTION OF THE AUDIT AREA

Legal Framework Governing the Use of Pesticides in Kenya

- 3.1 The Pest Control Products Act, CAP 346 of 1982 created and mandated the Pest Control Products Board (PCPB), to have oversight over all matters concerning pesticides in the Country. The Act recognizes that pesticides are key to agricultural production but can be harmful to humans, animals and the environment if used irresponsibly.
- 3.2 The following Pest Control Products Regulations, issued in 2024, provide guidance on the oversight of pesticides. Further, the Regulations govern the various functions in pesticide control: registration, inspection and certification, disposal, labelling, advertising and packaging, fees and other charges, as well as import and export:
 - i. The Pest Control Products Regulations (Registration) Regulations, 2024;
 - ii. The Pest Control Products Regulations (Inspection and Certification) Regulations, 2024;
 - iii. The Pest Control Products Regulations (Disposal) Regulations, 2024;
 - iv. The Pest Control Products Regulations (Labelling, Advertising and Packaging) Regulations, 2024;
 - v. The Pest Control Products Regulations (Fees and Other Charges) Regulations, 2024; and
 - vi. The Pest Control Products (Importation and Exportation) Regulations, 2024.
- 3.3 Further, the Environmental Management and Coordination Act, 1999, contains provisions on oversight of pesticides in Kenya.

Statutory Mandate of the Pest Control Products Board

- 3.4 Section 6 of the Pest Control Products Act CAP 346, of 1982 mandates the Board to:
 - i. Assess the safety, efficacy, quality and economic value of pest control products with a view to registering them, if found suitable;
 - ii. Assess the suitability of premises used for manufacture/formulation, storage and distribution of pest control products for purposes of licensing;

- iii. Process and issue import permit to ensure that only registered products are imported and in the right quantities;
- iv. Advise the Cabinet Secretary responsible for Agriculture on all matters relating to the Provisions of the Pest Control Products Act and Regulations made thereunder;
- v. Monitor the supply, sale and use of pesticides and ensure adherence to quality standards of pest control products from production to use;
- vi. Create awareness to the public on all aspects of safety, storage, handling and use of pest control products;
- vii. Investigate offences related to the Pest Control Products Act; and
- viii. Supervise the disposal of obsolete or undesired pest control products.

Definition and Classification of Pesticides

- 3.5 The Pest Control Products Act, CAP 346 of 1982 defines a pest control product as a product, device, organism, substance or thing that is manufactured, represented, sold or used as a means for directly or indirectly controlling, preventing, destroying, attracting or repelling any pest and includes:
- i. Any compound or substance that enhances or modifies or is intended to enhance or modify the physical or chemical characteristics of a pest control product to which it is added; and
 - ii. Any active ingredient used for the manufacture of a pest control product.
- 3.6 The Act further places pesticides in the following categories: insecticides, which are designed to kill insects; herbicides that are designed to kill unwanted plants or weeds; and fungicides that are designed to kill fungi such as molds, mildew and rust. The Board has also classified pesticides as per the Food and Agriculture Organization classification, based on the area of use, as follows:
- i. **Pesticides for use in agriculture:** These include pesticides for use in crops which are regulated by the Board and pesticides for use in animals, animal hides and skins during storage, that are regulated by the Veterinary Medicines Directorate;

- ii. **Pesticides for use in public health:** These include products for the control of vectors or pests that are a threat to public health such as mosquitoes, ticks, fleas, rodents and microbes; and
- iii. **Pesticides for use in building and construction:** These include products for the control of pests in construction, paint and wood.

Process for Registration of Pesticides, Issuance of Certificates to Premises and Disposal of Pesticides

1. Registration Process

a. Application for Registration of Pest Control Products

- 3.7 A manufacturer, formulator, importer or exporter of a pesticide will submit a dossier to the Board. The dossier should contain technical studies on the quality of the product and toxicity of the product to human, wildlife and the environment. The technical studies determine the minimal dosage of the pesticides referred to as “the no observed effect dose”.

b. Review of Dossier and Confirmatory Trials

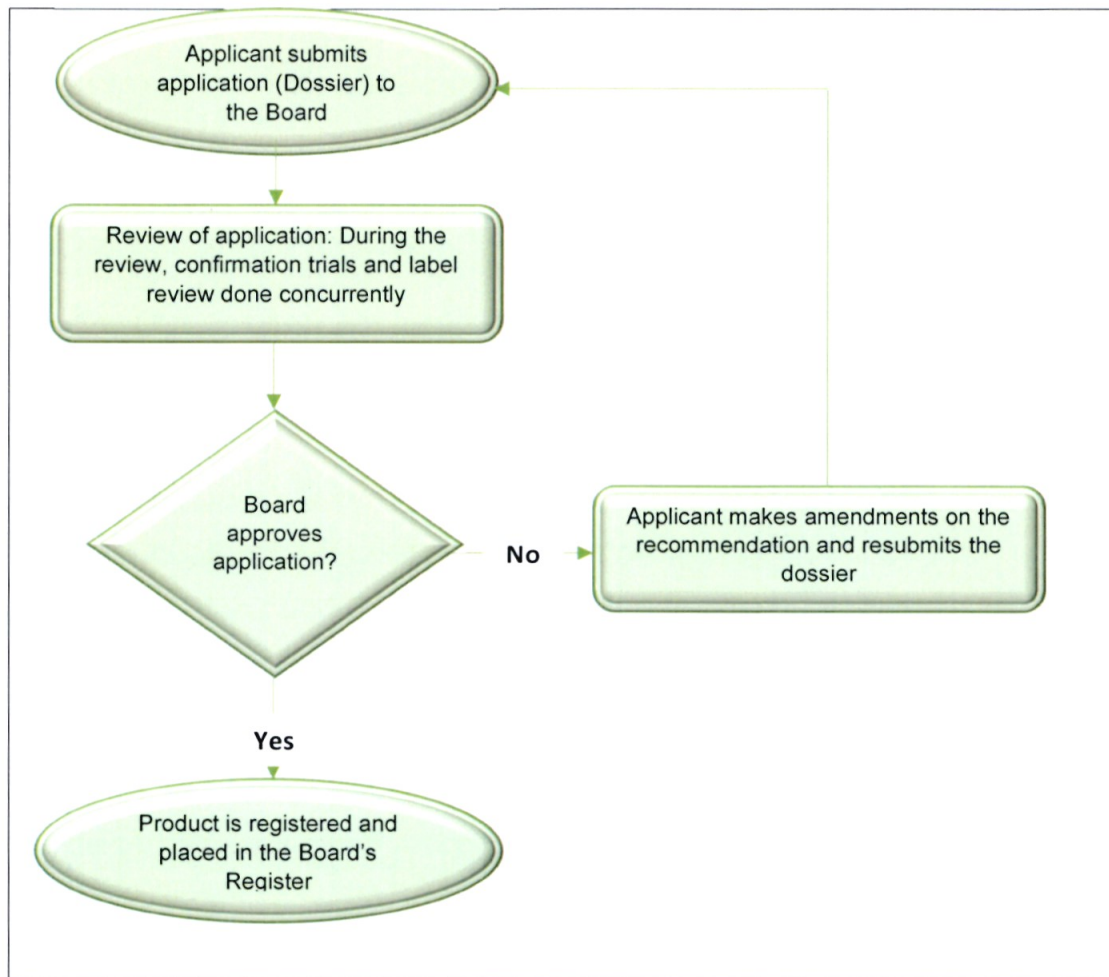
- 3.8 The Board assesses effect of the products on non-targeted animals in the environment such as bees (pollinators), birds, fish, and beneficial plants. The Board also reviews application of the pest control products by the end user, such as the application of the products without protective gear.

c. Registration and Inclusion in the Pesticide Register

- 3.9 Upon approval by the Board a pest control product is entered in the Pesticide register. The Board publishes the register of permitted, restricted or banned pesticides for use in Kenya on its website. The updates to the register are done quarterly upon approval by the Board.

- 3.10 The process description for the registration of pesticides is as illustrated in **Figure 1**.

Figure 1: Process Description for the Registration of Pesticide



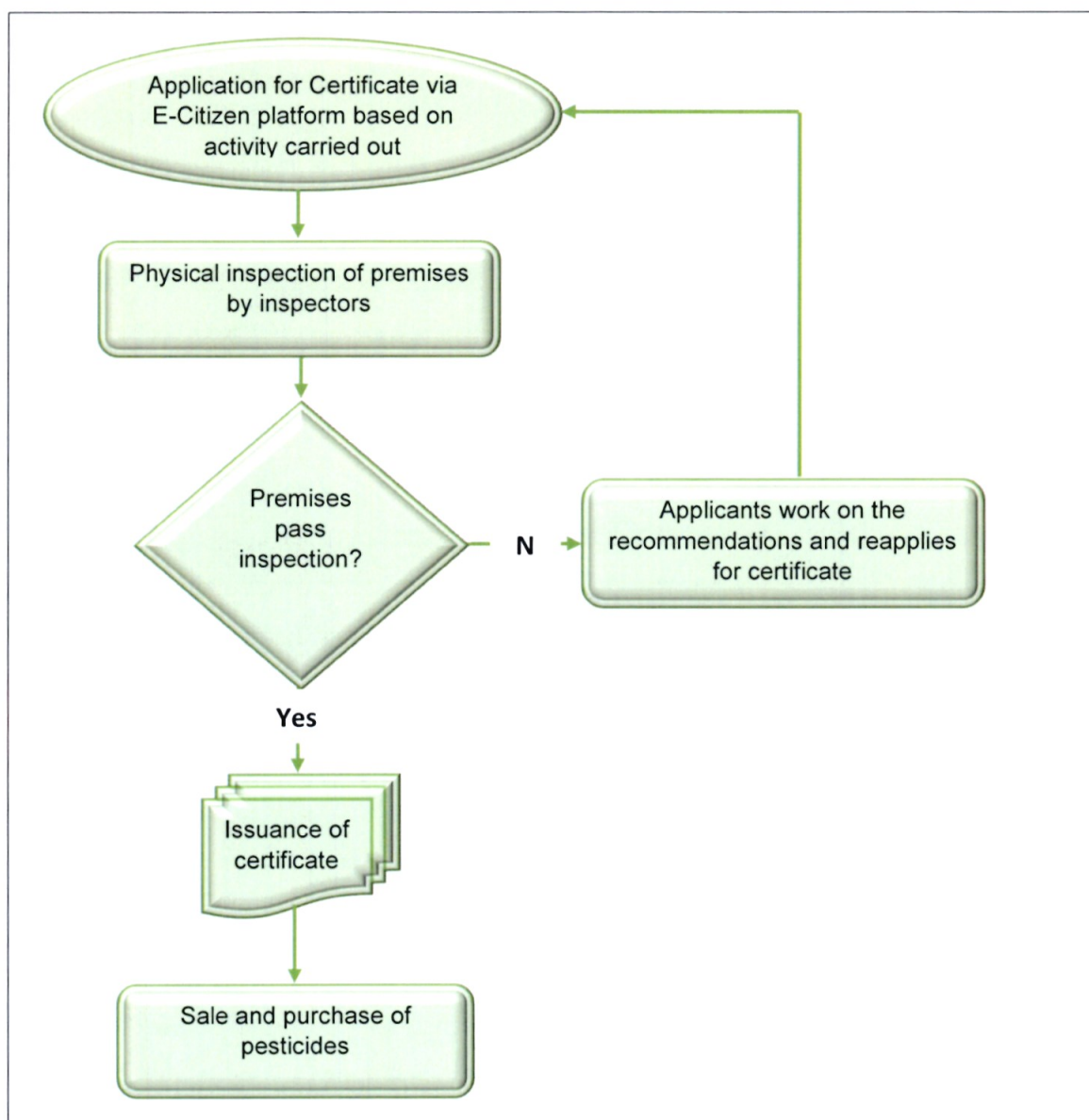
Source: Analysis of Pest Control Products Regulations 2024 and Minutes of Meetings with the Board's Management

2. Issuance of Certificates to the Premises

3.11 The Board grants certificates to manufacturers, formulators, packers, importers, exporters, large-scale farmers, and agro-dealers, with all applications submitted through the eCitizen platform and supported by the required documentation for each category. After a successful submission, the premises are inspected within three months to confirm compliance, and a provisional certificate may be issued while awaiting the inspection. If the applicant meets the requirements, the Board then issues a certificate that remains valid until 31 December of the year of application.

3.12 The process description for issuance of certificates to premises is illustrated in **Figure 2**.

Figure 2: Process Description for Issuance of Certificates to Premises that Handle and Dispose Pesticides

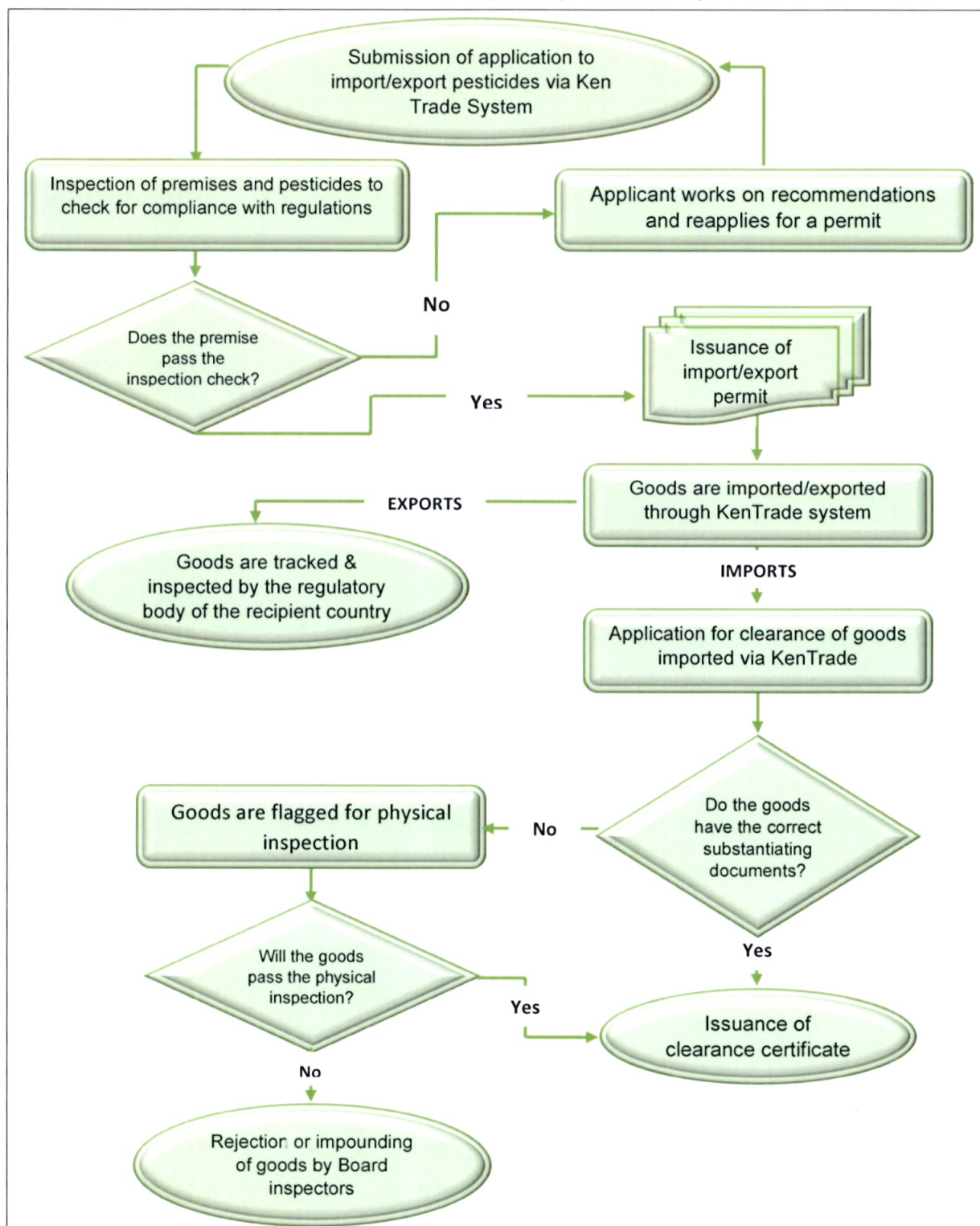


Source: Analysis of Pest Control Products Regulations 2024 and Minutes of Meetings with the Board's Management

Monitoring Import and Export of Pesticides at Ports of Entry

3.13 Application for the permit to import or export a pest control product is submitted to the Board through the Kenya Trade Network (KenTrade) system. The Board inspects imports to ensure compliance and prevent entry of counterfeit products. The Board issues a permit if satisfied that the pest control product is compliant and the premises where the product is to be stored, processed or sold are issued with a certificate. This process is as illustrated in **Figure 3**.

Figure 3: Process Description of Monitoring of Imports and Exports of Pesticides



Source: Analysis of Pest Control Products Regulations 2024 and Minutes of Meetings with the Board's Management

Suspension and Revocation of Certificates of Registration

3.14 The Board may suspend or revoke a certificate of registration under the following conditions:

- i. The applicant provided false information at the time of registration;
- ii. New scientific information shows that the product is unsafe or dangerous when used as directed;
- iii. The Board discovers that the product comes from a different manufacturer or facility than the one listed in the registration application or from sources not approved by the Board;
- iv. In the event of a parallel registration, where the principal or registrant withdraws the technical support to the local agent or distributor in writing to the Board;
- v. The product no longer meets the quality standards declared during registration, or the registrant has not renewed the product's registration; and
- vi. If the registration is suspended and no corrective action is taken within the given period, the registration can be revoked.

Disposal Requirements

3.15 Persons disposing pesticide products must have a certificate from the Board. No person is allowed to dispose of any pest control product or package in a manner that is detrimental to human health, animal health or the environment. Disposal should also be done at designated site or plant approved by the National Environment Management Authority.

3.16 Disposal may be done through the following methods:

- i. **Incineration**: burning the waste at high temperatures to reduce the waste's volume in order to eliminate harmful substances;
- ii. **Autoclaving**: the process of sterilisation of microorganisms through steam under high temperature and high pressure;
- iii. **Recycling**: process of collecting and processing used packaging that would otherwise be thrown away; and
- iv. Any other method approved by the Board.

Investigating and Prosecuting Offences Related to the Pest Control Products Act

- 3.17 The Board conducts routine inspections to verify whether the operators have ensured; product quality, premises suitability, proper use of equipment, worker safety, food safety in the farms and proper disposal of obsolete or undesired pest control products. Random inspections are also done based on complaints or reports from farmers, pesticides products companies and or the public. Investigations are done, arrests made, and subsequently, legal proceedings are done with the support of the Directorate of Criminal Investigations and the Director of Public Prosecution depending on the severity of the offense.

Key Stakeholders in the Regulation of Pesticides

- 3.18 The key stakeholders in the regulation of pesticides include; the Ministry of Agriculture, Livestock, Fisheries and Cooperatives, Ministry of Health, Agrochemical Association of Kenya and National Environment Management Authority. The comprehensive list of all the stakeholders and their interests are indicated in **Table 2**.

Table 2: Key Stakeholders in the Regulation of Pesticides

Stakeholder	Role of the stakeholder in the theme
1. Kenya Plant Health Inspectorate Services (KEPHIS)	KEPHIS undertakes pesticide residue trials to ensure the quality of food produced and publishes the results. The Inspectorate Service collaborates with the Board in policy development.
2. Kenya Agricultural & Livestock Research Organization (KARLO)	KARLO conducts pre-registration trials for pesticides. It collaborates with the Board in policy development. KARLO is also in charge of product development, including of pesticides and conducts research on pest identification and management.
3. Anti-Counterfeit Authority	The Authority is mandated to combat counterfeiting trade and other dealings in counterfeit goods. It coordinates with other organizations in combating counterfeiting and also sensitizing and informing the public on matters relating to counterfeiting.
4. County Governments	County governments conduct public awareness and training of farmers through provision of extension services. They are also in charge of waste management and disposal by establishing collection centers, in collaboration with other stakeholders. Counties also issue operating licenses to agro-dealers.
5. The users and consumers of pesticides	The public participates in policymaking through public consultations and forums related to pesticide regulation. The public also report unsafe pesticide use or non-compliance with regulations to relevant authorities. The public are the primary users of pesticides and can enhance their regulation by adhering to best practices and safety guidelines.
6. Agrochemical Association of Kenya (AAK) Grow	The Agrochemical Association of Kenya provides professional product stewardship. They also manage obsolete products and container disposal. AAK support Anti-Counterfeit measures and bridges communication between the Board and members of the Association.

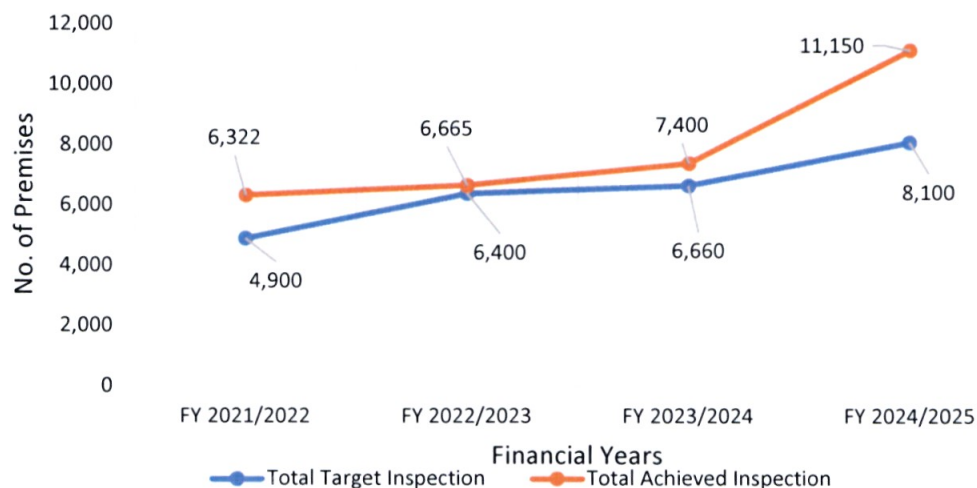
Source: OAG Analysis of the Stakeholders

CHAPTER 4: FINDINGS OF THE AUDIT

A. Progressive Rise in the Number of Inspected Premises that Handle Pesticides

- 4.1 According to the Pest Control Products Regulations (Inspection and Certification) Regulations, 2024, the Board should inspect all facilities that handle pesticides before issuing or renewing annual premise certificates. This inspection is crucial to ensure regulatory compliance, protect human health and the environment, and prevent unsafe practices.
- 4.2 The audit established that the Board did not have an updated database containing the actual number of premises that handle pesticides in the Country and the status of the same. However, the Board had inspected a total 11,150 premises. Inspections were planned based on previous year inspection activities. As illustrated in **Figure 4**, the number of inspected premises increased over the audited period from 6,322 in the financial year 2021/2022 to 11,150 in the financial year 2024/2025, representing a 76% increase.

Figure 4: The Board's Premises Inspection Target Versus Number Achieved



OAG Analysis of Board's Compliance and Inspection Reports

- 4.3 In addition, interviews with fifty-five (55) sampled agro-dealers established that their premises had been inspected prior to certification.

B. Continued Sale of Non-Compliant Pest Control Products despite Increased Enforcement Measures

- 4.4 During the inspection of premises, the Board also conducts product certification. This is aimed at verifying whether pest control products had complied with labeling and packaging regulation and check for presence of expired, counterfeit, or unregistered pesticides. Over the audit period, the Board impounded expired, counterfeit and unregistered pest control products totaling 28,617 Kilograms, as illustrated in **Table 3**.

Table 3: Amounts of Impounded Pest Control Products

Financial Years	Unregistered amounts (Kgs)	Expired amounts (Kgs)	Counterfeit amounts (Kgs)	Total
FY 2021/2022	521	252	129	902
FY 2022/2023	838	648	107	1,593
FY 2023/2024	322	636	61	1,019
FY 2024/2025	24,104	541	459	25,103
Total	25,785	2,077	756	28,617

Source: OAG Analysis of Board's Inspection Reports

- 4.5 The increase of unregistered, expired and counterfeit products impounded is attributed to the increase in the number of inspections conducted by the Board. However, data over the audit period indicates that increased inspections were not a deterrent to production and sale of such products. Section 19(1)(a)(b) of The Pest Control Products (Inspection and Certification) Regulations, 2024⁷ requires the Board to cancel certification of non-compliant premises. Review of prosecution records for the audit period established that the Board had successfully prosecuted some of the cases, as indicated in **Table 4**. However, despite impounding the products and securing convictions, the Board did not revoke the premises' certificates, thereby sustaining the risk of repeat offences and the continued sale of illegal products.

⁷ Regulations were gazetted in November 2024. Prior to the gazettelement of the new premises inspection and certification regulation, the law did not provide for a means of cancelling or revoking a premises certificate.

Table 4: The Number of Convictions of Non-Compliant Cases

Regional office/Year	South Rift	Coast	Mt. Kenya	Western	Nairobi	North Rift	Total
2021/2022	-	-	1	-	-	-	1
2022/2023	-	-	1	-	-	-	1
2023/2024	4	5	2	3	3	-	17
2024/2025	5	7	4	4	3	-	23
Total	9	12	8	7	6	-	42

Source: Prosecution Records for the Period 2021/2022 to 2024/2025

Key: The blanks indicate that no convictions were recorded during the period.

C. Lack of Timely and Routine Follow-up and Tracking of Inspected Facilities

- 4.6 According to the Pest Control Products (Inspection and Certification) Regulations, 2024, the Board should ensure that non-compliant premises are granted sixty (60) days to rectify deficiencies and an additional fourteen (14) days to reapply for certification. Routine follow-up inspections should therefore, be conducted within this period to verify compliance, prior to the renewal or issuance of premise certificate. Follow-up inspections are key as they verify that previously identified non-compliance cases have been corrected, ensuring the facility meets safety and regulatory standards before certification.
- 4.7 Interviews with staff in charge of the regional offices indicated that follow-up inspections were not conducted regularly, and often depended on the severity of the non-compliance observed. A survey with agro-dealers revealed that out of the fifty-five (55) sampled agro-dealer premises, twenty-seven (27), representing 49%, had undergone at least one (1) follow-up inspection in the financial year 2024/2025, while 51% stated that no follow-up visit had been conducted after the initial inspection. In eleven (11) out of the twenty-seven (27) premises that had follow-up conducted in the same financial year, the inspections occurred after more than ninety (90) days, surpassing the regulatory timeframe of sixty (60) days.
- 4.8 The audit established those regional offices lacked a mechanism for recording non-compliant entities and the required follow-up actions. Corrective actions issued to twenty-eight (28) of the sampled facilities had no specified timelines within which

the entity was expected to comply, and there were no records of follow-up. There is therefore, a risk that non-compliant premises remain in operation, while compliant premises may lapse into non-compliance in the end, as a result of no follow up and punitive sanctions for non-compliant premises.

- 4.9 Review of the compliance and enforcement annual work plans revealed that the Board primarily planned for annual inspections, with no provision for follow-up inspections. Additionally, there was absence of a structured follow up inspection framework. The lack of timely and routine follow-up inspections delayed corrective actions, and could lead to farmers accessing and using non-authorized pest control products from the agro-dealers, thus causing food and environmental safety concerns.

D. Limited Reach of the Board's Sensitization Programs on Safe Handling of Pesticides

- 4.10 According to the Strategic Plan, 2023-2027, one of the functions of the Board is to create awareness to the public on all aspects of safety, storage, handling and use of pest control products. The Guidelines on Post Registration Surveillance and other Activities in the Field of Pesticides, states that the Board should train agro-dealers on safe handling and effective use of pesticides, in order to channel the information to farmers. Sensitizing farmers and agro-dealers on safe pesticide use is important for protecting health, promoting safety, and ensuring regulatory compliance.
- 4.11 Analysis from survey data of farmers and agro-dealers indicated that awareness at farmer level was limited. For instance, analysis of data from farmer surveys revealed that out of the forty-nine (49) farmers interviewed, only 29% stated that they had been trained by the Board on regulation and safe use of pesticide. Further, of the fifty-five (55) agro-dealers interviewed, 65% reported having received training or sensitization from the Board. This indicated that the Board's sensitization programs focused more on agro-dealers than farmers, who are the primary pesticide users.
- 4.12 Analysis of the training and awareness reports from the Board's regional offices revealed a consistent increase in the Board's sensitization activities over the audit

period. The total number of awareness activities conducted increased from seventy-eight (78) in the financial year 2021/2022 to one hundred and seventy-six (176) in the financial year 2024/2025, as illustrated in **Table 5**.

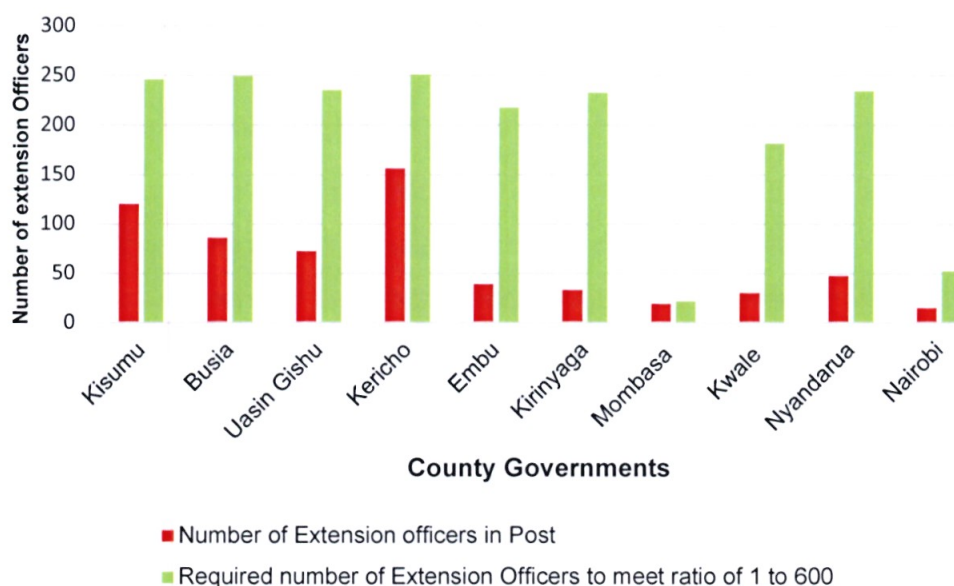
Table 5: Number of Awareness Activities Conducted Per Region

Financial Year	Mt. Kenya	Western	South Rift	Coast	Nairobi	North Rift	Total
2021/2022	22	18	8	8	22	-	78
2022/2023	24	20	17	10	31	-	102
2023/2024	22	35	27	15	21	-	120
2024/2025	32	35	38	31	29	11	176
Totals	100	108	90	64	103	11	476

Source: Analysis of Training and Awareness Reports (North Rift was created in 2025, hence no activities in prior years)

- 4.13 Lack of farmer awareness can be attributed to inadequate provision of agricultural extension services due to inadequate extension service officers and inadequate prioritization of extension services. The Board engages farmers through the County Agricultural Extension Officers. According to the Kenya Agricultural Sector Extension Policy, the required ratio of extension officers to farmers at the counties is 1:600, to ensure that adequate services are provided to farmers, including awareness on safe use of pesticides. However, analysis of data on the number of extension officers revealed that out of the ten (10) counties whose data was obtained, none had met the required ratio, as illustrated in **Figure 5**.

Figure 5: Required Number of Extension Officer versus those in Post



OAG Analysis of Data obtained from Counties

- 4.14 Limited sensitization to farmers contributed to improper handling and disposal of pesticides and pesticides wastes, increasing health and environmental risks. For instance, according to aak-Grow/Crop Life Kenya Annual Report, 2024, Lamu County farmers intercropped cotton with food crops, which is not recommended, as cotton requires heavy pesticide use, which can contaminate food crops in such a mixed-cropping system. Further, farmers used herbicides to dry food crops, and disposed empty pesticide containers incorrectly. The Report further indicated that there was rising pesticide resistance and high residues in produce. The situation was further complicated by the ease of access to illegal pesticides. The aak-Grow/Crop Life Kenya Annual Report 2024 attributed the improper use of herbicides to lack of adequate knowledge and skills by farmers.

E. Lack of Periodic Review of Pest Control Products

- 4.15 The Board's Strategic Plan, 2023-2027 provides for periodic re-evaluation of registered pesticides to ensure their continued effectiveness and safety against both traditional and emerging pests and diseases. The Food and Agriculture Organization (FAO) International Code of Conduct on Pesticide Management recommends that governments establish systems for continuous monitoring and

evaluation of pesticide use and its effects on human health, the environment, and product efficacy.

- 4.16 The audit established that the Pest Control Products Board (PCPB) conducts post registration reviews when triggered by factors such as new scientific evidence, international trade concerns and public health and environmental concerns. For instance, arising from the Public Petition No. 70 dated September 2019, which called for the withdrawal of harmful pesticides from the Kenyan market, the National Assembly's Committee on Health recommended that the Board review the list of pesticides and take urgent regulatory action.
- 4.17 Subsequently, the Board reviewed forty(40) out of four hundred and twenty (420) registered active ingredients, which affected seven hundred and twelve (712) pest control products. Of these, twenty-five (25) active ingredients, covering four hundred and thirty-three (433) pest control products, were reviewed and were awaiting public participation to finalize the decision. The Board withdrew eight (8) active ingredients, which affected seventy-seven (77) pest control products, and restricted seven (7) active ingredients, which affected two hundred and two (202) products. However, the Board had not established a formal review cycle or developed Standard Operating Procedures (SOPs) to guide the frequency and prioritization for conducting periodic re-evaluations.
- 4.18 As at the time of audit in March 2026, the Board, due to limited laboratory capacity, was not collecting primary scientific data to confirm or refute allegations such as carcinogenicity, effectiveness and safety of an active ingredient. Insufficient periodic review of registered pest control products was attributed to lack of a framework for strengthening post registration surveillance. The framework would provide a definite period within which the reviews are to be undertaken, among other issues. A draft framework was undergoing review as at the time of the audit.
- 4.19 Insufficient periodic reviews of pest control products potentially lead to the risk of not identifying pesticides that pests are resistant to, those that are harmful to beneficial organisms and those that contaminate food, water and soil.

F. Inefficient Planning of Formulation Analysis Activities

4.20 According to the FAO Guidelines on Post Registration Surveillance and other Activities in the Field of Pesticides, 1988, the Pesticide Regulatory Board should use residue monitoring data to provide the basis for modifying use patterns, restricting or cancelling registered uses, or taking enforcement action against pesticide misuse. The audit established that in the financial years 2021/2022 to 2024/2025, the Board planned to undertake 1,455 formulation analysis tests across the Country, and achieved 1,710 formulation analysis tests, as illustrated in the **Table 6**.

Table 6: Targeted Formulation Analysis versus Achieved Formulation Analysis

Financial Year	Targeted formulation analysis (A)	Achieved Formulation analysis (B)	Variance (B-A)
2021/2022	355	371	+ 16
2022/2023	360	402	+ 42
2023/2024	365	411	+ 46
2024/2025	375	526	+ 151
Total	1,455	1,710	+ 255

Source: OAG-K Analysis of Formulation Analysis Reports

4.21 The Board's targeted and achieved formulation analysis increased consistently across the financial years 2021/2022 to 2024/2025. However, despite the Board consistently exceeding its formulation analysis targets, it continued to set relatively lower targets than the prior years' achievements. For example, the Board achieved four hundred and eleven (411) formulation analysis tests in the financial year 2023/2024, and subsequently targeted three hundred and seventy-five (375) in the subsequent financial year 2024/2025.

4.22 The formulation analysis tests conducted in the Financial Year 2024/2025 translated to five hundred and eighteen (518) products out of 1,161 registered products. This represents only 45% of the registered products. Limited formulation analysis testing increases the risk that non-compliant or substandard products may remain in the market undetected.

4.23 The audit established that the Pest Control Products Board's laboratory was not adequately equipped to analyze all registered products, as different pesticide molecules require specialized testing equipment that was not available.

Consequently, the Board was unable to test some products and instead selects samples from agrovets and agrochemical companies based on risk and availability of funds. This limits the number and range of products analyzed and increases the risk that some products remain untested.

- 4.24 The absence of an adaptive approach to formulation analysis in the pesticide regulation increases the risk that emerging or modified products enter the market without adequate scrutiny. This may result in hazardous ingredients, substandard formulations, or altered concentrations going undetected, thereby posing risks to human health, the environment and agricultural productivity.

G. Lack of Continuous Pesticide Residue Monitoring by the Board

- 4.25 According to the Strategic Plan, 2023-2027, the Board was to continuously monitor pesticide residues in food crops through periodic sampling from local markets, and produce destined for international markets. This should be done through laboratory analysis and taking the required remedial measures where cases of contraventions have been detected. FAO Guidelines on Post-Registration Surveillance and Other Activities in the Field of Pesticides, state that pesticide regulatory authorities should conduct residue monitoring in food, water and environmental matrices to detect and manage potential health and ecological risks.
- 4.26 The audit established that during the period under review, the Board had not conducted pesticide residue analysis in water or environmental samples such as soil. The Board only undertook three (3) baseline studies on pesticide residue on kales, onions and tomatoes in 2024, and a residue analysis on potatoes in June 2025. These tests only covered four (4) farm products⁸ out of the many agricultural products in Kenya. Further, only twelve (12) out of the forty-seven (47) counties were covered. These are: Baseline 1: Kajiado, Nyandarua and Nakuru; Baseline 2: Nyeri, Makueni, Meru, Taita Taveta and Kirinyaga; Baseline 3: Embu, Baringo, Narok and Uasin Gishu. The pesticide residue analysis on potatoes was conducted on twenty-one (21) samples from Nyandarua County.

⁸ Kales, Onions, Tomatoes and Potatoes

- 4.27 The results of the three (3) baseline studies indicated that overall, the residues were within the Codex Maximum Residue Limits (MRLs), which is the standard safety thresholds adopted in Kenya. However, one (1) onion sample was not within the Codex MRLs. In the absence of a formal supply chain structure for tracing agricultural products to the farmers, the onions were most likely consumed, as it was impossible to identify the supplier or farmer and recall the consignment. The laboratory analysis revealed that none of the sampled potatoes had exceeded the safety threshold.
- 4.28 Limited pesticide residue analysis constrained the Board's capacity to identify and address pesticide-related health and environmental risks, thereby hindering evidence-based regulatory actions. This was attributed to the late establishment of a dedicated residue analysis laboratory. The laboratory was established in 2023, and the necessary equipment and reagents procured in 2024. As at the time of audit in March 2026, the Board was in the process of obtaining ISO/IEC 17025 certification⁹. The certification process is time intensive due to the validation and documentation required, as well as funding requirement. Lack of ISO/IEC 17025 certification further constrained the laboratory's operational readiness and testing capacity, and meant that the laboratory's analytical results could not be recognized internationally.
- 4.29 According to the aak-Grow-CropLife Kenya Annual Report, 2024 non-compliance of residue levels has led to significant setbacks, including the closure of European Union (EU) export markets for crops like French Beans. Additionally, Kenya is currently on the EU's red list for produce such as chilies, peas and beans with pods, for exceeding European Union MRL. The EU's tightened regulations have strained Kenyan exporters, highlighting the urgent need for effective solutions.

H. Limited Collaboration between the Board and County Governments

- 4.30 According to the International Code of Conduct on Pesticide Management, clear mechanisms for coordination should be established in the event that different

⁹ ISO/IEC 17025:2017 is the international standard for the competence, impartiality and consistent operation of testing and calibration laboratories. It ensures the accuracy of results, promotes confidence in laboratory data and facilitates international acceptance of results. It applies to all organizations performing laboratory activities, including sampling, testing and calibration.

authorities are involved in pesticide inspections in order to ensure a reliable inspection system for pesticides. Further, the Boards Strategic Plan, 2023-2027, states that the Board will collaborate with county governments in the collection and disposal of pesticides empty containers and pesticides waste.

- 4.31 County governments are responsible for issuing business trading licenses to all enterprises, including those dealing in pesticides. Before issuance or renewal of such licenses, the County Department of Agriculture assesses the suitability of premises and verifies the qualifications of the applicant. These functions provide a basis for collaboration with the Board during initial inspection and certification, routine inspections and data sharing.
- 4.32 The audit established that collaboration between the Board and county governments on certification of facilities handling pesticides was minimal. Out of ten (10) sampled counties whose data was obtained, only one (1) county collaborated with the Board during initial inspection by identifying agro-dealer outlets and accompanying the Board's inspectors. Further, only two (2) counties participated in routine inspections, though not regularly, while only one (1) county shared data on licensed premises with the Board.
- 4.33 The remaining counties had no engagement with the Board on certification or inspection of facilities. For instance, the Mt. Kenya and Western regional offices reported occasional joint inspections with the County Agricultural and Public Health Officers, mainly during annual inspection programs. The Coast and South Rift regional offices indicated that collaboration was often dependent on individual county officers' initiative or when county governments' raised complaints about unlicensed agro-dealers. The North Rift and Kisumu regional offices also indicated that counties issued business permits to agro-dealers without verifying compliance with the Board's certification requirements.
- 4.34 The limited collaboration was attributed to the bureaucratic communication process between the county and National Government Agencies that requires that any communication and collaboration with counties to be conducted through the Council of Governors. Further, limited resources also constrained the

collaboration, as the Board reported that the county staff expected them to facilitate the joint operations.

- 4.35 The limited collaboration between the Board and County Governments limited information sharing which increased the risk of agro-dealers operating without certification. This further increases the risk of agro-dealers stocking and selling unregistered and counterfeit pest control products to farmers. This also contributed to unsafe disposal practices such as burning, burying and discarding pesticide containers and expired products together with domestic waste. The unsafe disposal practices increased the risk of soil and water contamination. Analysis of the farmer survey indicated that, 69% of the forty-nine (49) farmers surveyed disposed pesticide waste by either burning, burying, or disposing with domestic waste. While 27% reported to have disposed pesticide waste using the National Environment Management Authority (NEMA) licensed waste handlers.

I. Absence of Pest Control Products Board Officers at Border Points

- 4.36 According to the International Code of Conduct on Pesticide Management, clear mechanisms for coordination should be established in order to ensure a reliable inspection system for pesticides and to prevent the entry of prohibited pesticides. The audit established that the Board had technical officers in thirteen (13)¹⁰ out of the thirty (30) operational and gazetted border points across the Country. However, the Board had multi-agency arrangements with the Kenya Revenue Authority, Kenya Bureau of Standards, and the Kenya Plant Health Inspectorate Service, through participation in Border Security Committees and other joint operations at the border points.
- 4.37 In the seventeen (17) border points that lacked PCPB technical officers, there were no physical inspections of pesticides to verify the consignments on transit. This was attributed to human resource constraints and thereby, increasing the risk of illegal entry of pesticides into the Country.

¹⁰ Mombasa, Taveta-Holili, Lunga Lungu, Loitoktok, Namanga, Isebania, Muhuru Bay, Busia, Lwakhakha, Suam, Nadapal, Moyale and Malaba.

J. Reactive Interagency Collaboration between the Board and the Anti-Counterfeit Authority

- 4.38 According to the Pest Control Products Act CAP 346, the Board is mandated with ensuring the quality and safety of pest control products used in the Country. Additionally, the Anti-Counterfeit Act CAP 521 mandates the Authority to coordinate with other organizations that combat counterfeiting of products.
- 4.39 The audit established that, although there was collaboration between the Board and the Anti-Counterfeit Authority (ACA), it was mainly reactive, relying on case-by-case referrals, rather than structured joint enforcement programs. During its operations, ACA reports referred cases of suspected counterfeit or illegal pesticides to the Board for verification and further enforcement action. The Board is then expected to undertake investigations and facilitate removal of counterfeit or unregistered products from the market, including taking legal or administrative actions against offenders.
- 4.40 The Nairobi, Coast, Western, and South Rift regional offices reported engagement with ACA, resulting in joint operations and improved identification of counterfeit and non-compliant products.
- 4.41 The reactive collaborations were attributed to the fact that there was no framework for collaboration that identified and defined the roles and responsibilities of each agency, as well as the timelines and frequency of the collaborative engagements. This leads to delayed identification and removal of counterfeit pest control products, allowing illegal products to remain in the market longer and expose users, consumers, and the environment to health and safety risks. The incident-driven collaborations result in less frequent joint operations, rather than sustained intelligence sharing, coordinated surveillance and preventive market monitoring.

K. Limited Collaboration between the Board and Players in the Agrochemical Industry on Collection and Disposal of Pesticides Waste and Containers

- 4.42 Section 13 of the Sustainable Waste Management Act, 2022 provides that every producer shall bear extended producer responsibility obligations to reduce pollution and environmental impacts of the products they introduce into the Kenyan

market. This includes bearing responsibility for waste arising therefrom, either individually or in a compliance scheme. Further, according to the Strategic Plan, 2023-2027, the Board is to collaborate with the Agrochemical Industry in the collection and disposal of pesticides empty containers and pesticides waste.

- 4.43 The audit established that the Board collaborated with the Agrochemical Industry, primarily through the Agrochemicals Association of Kenya (AAK), under a Producer Responsibility Framework. AAK, in collaboration with the Board and the Kenya Agricultural Productivity and Agribusiness Project, implemented a pilot initiative in 2014, the Sustainable Empty Pesticide Container Initiative in sixteen (16) counties over a ten-year period. Under this Initiative, counties provided land for the establishment of collection centers, while AAK facilitated their setup and the safe disposal of the collected containers. Although the Initiative facilitated establishment of about four hundred (400) collection centers nationwide, it was not sustained. Approximately sixty percent (60%) of the centers became inactive after the initial phase in 2015. Among the twelve (12) sampled counties, five (5) counties had participated in the Initiative. However, at the time of the audit in March 2026, none had operational collection centers for empty containers.
- 4.44 The limited collaboration was attributed to weak institutional coordination mechanisms between the Board, counties, and industry players. In addition, limited awareness and low community ownership hindered the sustainability of disposal initiatives. The Initiative faced challenges due to in its implementation, including lack of buy-in at the local level which led to low participation and contributed to the collapse of many collection centers. Without local buy-in, the initiative struggled to sustain momentum after the pilot phase.
- 4.45 The absence of a sustained and structured collaboration framework limited the effectiveness of collection and safe disposal of empty pesticide containers and pesticide waste across counties. This situation increased the risk of unsafe disposal practices, leading to potential environmental pollution and public health concerns.

L. Limited Sharing of Data between the Board and the Kenya Plant Health Inspectorate Service

- 4.46 According to the FAO's International Code of Conduct on Pesticide Management, governments and relevant stakeholders are encouraged to establish systems for the continuous monitoring and evaluation of pesticide use and its effects. The audit established that the Kenya Plant Health Inspectorate Service (KEPHIS) independently carried out the National Pesticide Residue Monitoring Program. The Program involves regular sampling and testing of agricultural produce to ensure compliance with national and international residue standards. The residue-monitoring plan assists to establish the legal limits for pesticide residues in food.
- 4.47 However, as at the time of audit, KEPHIS had not shared the data with the Board to aid in regulatory oversight, despite requests by the Board. Further, the audit established that the two (2) entities have some duplicated roles, with respect to monitoring the impact of pesticide use on farm produce. The lack of sharing of information between KEPHIS and the Board resulted in the Board lacking scientific evidence for informed decision-making, thereby limiting the Board's ability to effectively regulate and oversee compliance with residue standards. Limited collaboration and sharing of data between the Board and KEPHIS was attributed to lack of a data sharing framework.
- 4.48 There has been close examination of Kenya's fresh produce destined for the European Union (EU) market because of repeated incidences of exceeding the Maximum Residue Limit (MRL). For instance, in 2024, consignments of beans and peas in pods from Kenya were intercepted due to pesticide residue levels exceeding Maximum Residue Limits. This has affected Kenya's export earnings from fresh vegetables and highlights the risk that products not meeting export standards may enter the domestic market, with potential implications for consumer safety. Enhanced information sharing will enable the Board to effectively trace such cases and enforce corrective measures.

CHAPTER 5: CONCLUSION

- 5.1 The Board has not adequately monitored and enforced compliance with regulations on supply and use of pesticides to reduce unsafe practices and prevent environmental harm. Farmers are accessing and using non-authorized pest control products, negatively affecting food safety and the environment.
- 5.2 There is limited awareness creation to farmers and agro-dealers on proper use and disposal of pesticides and pesticides waste. There is a high of risk of improper application of pesticides and unsafe disposal of associated waste by farmers, leading to increased exposure to toxic substances, as well as soil and water contamination.
- 5.3 The Board has not been effective in undertaking periodic post-registration surveillance to generate primary scientific data on the quality, safety and efficacy of the existing pesticides in the Country. Consequently, the Board has not been able to proactively make data driven decisions to ensure only safe, quality and compliant products are in circulation in the Country as well as respond to emerging risks.
- 5.4 The Board has not undertaken an assessment of the impact of prolonged use of pesticides on the environment and water. There is therefore, a high probability that risks posed by pesticides to biodiversity have materialized and are negatively affecting human health.
- 5.5 The Board has only carried out limited residue monitoring on food, as a result, the Board has not detected and managed potential health risks associated with consuming foodstuffs with pesticide residues exceeding the required limits.
- 5.6 There has been ineffective collaboration between the Board and other regulatory agencies that oversight the supply, use and disposal of pesticides. This has been attributed to lack of a framework with relevant agencies, specifying roles and responsibilities for each stakeholder. As a result, the Board is deprived of critical data and opportunities for inter-agency synergy to ensure effective regulation of pesticides.

CHAPTER 6: RECOMMENDATIONS

- 6.1 In view of the findings and conclusion of the audit, the Auditor-General proposes the following recommendations: -
- 6.2 To ensure timely and routine follow-up of inspections, the Pest Control Products Board should develop and implement a structured follow-up inspection framework, and formally integrate follow-up inspections into its annual work plans.
- 6.3 To ensure sensitization programs effectively reach farmers and agro-dealers, the Pest Control Products Board, in collaboration with county governments, should establish a structured framework to engage county extension officers. This will ensure that agro-dealers are enlightened on the importance of stocking only registered and genuine products. Further, farmers will be well informed on proper pesticide application and safe disposal methods.
- 6.4 To ensure periodic assessment of registered pest control products, the Pest Control Products Board should establish and implement a structured periodic review cycle supported by Standard Operating Procedures. This will ensure that pesticides remain safe, effective, and compliant with current scientific standards throughout their lifecycle.
- 6.5 The Pest Control Products Board should implement a data-driven and adaptive planning framework for formulation analysis. The framework should that incorporate prior-year performance and risk information to set realistic targets and strengthen enforcement of registered pesticide specifications. Further, the Board should collaborate with accredited laboratories, to enable analysis of a wider range of pesticide molecules and active ingredients.
- 6.6 The Pest Control Products Board should operationalize a continuous and comprehensive pesticide residue monitoring program, including food, water, environmental samples, and fast-track laboratory accreditation to strengthen evidence-based regulation. This is to safeguard public health and enable evidence-based environmental management by identifying and quantifying contaminants on agricultural produce, irrigation water and soil.

- 6.7 The Pest Control Products Board should develop formal coordination mechanisms with county governments including regular data-sharing systems to strengthen certification oversight and ensure all operating agro-dealers comply with regulatory requirements.
- 6.8 The Board should progressively deploy technical officers to all border points, while strengthening collaboration with border agencies through formal coordination frameworks, joint inspections, and capacity building to ensure adequate monitoring of pesticide consignments.
- 6.9 To enhance proactive detection and removal of counterfeit pest control products from the market the Board should formalize and strengthen collaboration with the Anti-Counterfeit Authority through a structured framework that defines roles and coordination mechanisms.
- 6.10 To ensure collection and proper disposal of pesticide waste and containers, the Pest Control Products Board, in collaboration with the Agrochemical Association of Kenya, Hazardous Waste Producer Responsibility Organization of Kenya, and county governments should work with the players in the agrochemical industry to create a structured and sustainable collaboration framework. This will also ensure long-term functionality of collection centers and improved producer responsibility compliance.
- 6.11 The Pest Control Products Board and the Kenya Plant Health Inspectorate Service should establish a formal data sharing mechanism to enhance post-registration surveillance and ensure informed regulatory action based on pesticide residue evidence.

APPENDICES

Appendix 1: List of Persons Interviewed

Entity	Official Interviewed	Reason
Pest Control Products Board	General Manager, Registration Department	To establish the extent to which the Board reevaluates pest control products to ensure their continued safety and quality.
	General Manager, Compliance and Enforcement Department	To establish the extent to which the Board enforces and ensures compliance with regulations on the supply, use and disposal of pest control products.
	General Manager, Analytical Services Department	To establish the extent to which the Board ensures regulatory compliance on the use through pesticide residue testing. To establish the extent to which the Board ensures the quality of pest control products by assessing their conformity to registration specifications.
	General Manager, Research, Planning, Strategy and Performance Contracting	To establish the extent to which the Board conducts both short-term and long-term research on pest control products to mitigate against emerging risks on human health, biodiversity and the environment.
	Head of Finance and Accounts	To gain insight into resource shortfalls and their underlying causes
	Corporate Services – Communications	To establish the measures the Board has undertaken to enhance its public presence, increase visibility, and raise awareness of its role and mandate.
	General Manager, Human Resources Department	To gain insight on the staffing structure and levels in the Board and the actions taken to mitigate this.
	Head of PCPB Regional Officers in Nairobi, Western, North-Rift, Mt. Kenya and Coast Regions	To establish the extent to which the regional offices are able to monitor the pest control products distribution cycle to ensure compliance with regulations and to gain insight on the unique challenges facing the region.
	Officers at Border points in Kisumu, Busia, Eldoret and Mombasa Counties	To establish the extent to which the border offices are able to inspect and monitor pest control products that come into the country to ensure compliance with regulations and to gain insight on the unique challenges facing them.

Entity	Official Interviewed	Reason
County Governments	County Director of Agricultural Officer and Agricultural Officers	To determine the extent to which the counties collaborate with the Board on regulation of pesticides at county level and in the creation of awareness of farmers on the importance of responsible pesticide use and disposal.
Kenya Plant Health Inspectorate Service	Research Scientists	To obtain historical data on pesticide residue analysis in the country and to determine the extent of the collaboration with the Board in sharing of pesticide residue data.
National Cereals and Produce Board – Eldoret	Senior Compliance Quality Manager	To gain perspective on the use of fumigant pesticides on storage of agricultural products and the unique risks involved.
Private Owned Cereal Storage Facilities	Management	To gain perspective on the use of fumigant pesticides on storage of agricultural products in privately owned facilities and the unique risks involved.
Pest Control Products Wholesalers	Management	To gain insight on the pesticide value chain and identify any issues arising from the trade with pesticides.
Agro-dealers	Management and Vendors	To gain insight on the pesticide value chain and identify any issues arising from the trade with pesticides.
Farmers		To gain insight on the use of pesticides by farmers and identify any challenges faced by them.
Pest Control Products Waste Disposers	Management	To gain insight on the disposal of pesticides and the unique risks involved.
Agrochemical Association of Kenya	Regulatory Manager	To understand the collaboration between the agrochemical industry and the Board and to gain insight on the unique challenges facing them.

Appendix 2: List of Sampled Counties

County	Justification	Agro-dealers, Border Points and Farmers Visited
1. Nairobi	➤ Agricultural factors: hosts a mix of farming systems. The use of pesticides in these practices can provide a unique lens to understand pesticide use in urban context. ➤ Availability of agricultural data and institutions: hosts extension services, farmers' cooperatives, research institutions and NGOs making it an ideal location for data collection, collaboration and follow up.	None
2. Kisumu	➤ Agricultural Hub in Western Kenya: serves as a focal point for agricultural activities in the western region, particularly around Lake Victoria, where crops like maize, sugarcane and vegetables are grown. ➤ Proximity to Informal Cross-Border Trade: near the border with Uganda, providing an opportunity to review the control of pesticide movement and use in cross-border agricultural trade. ➤ The Board's western regional office is located in the county.	➤ Agrodealers: Magos Farm Enterprises, Apechem Agrovat Ltd, Mwanginet Ltd ➤ Large-scale and small-scale farmers: eight (8) respondents
3. Nakuru	➤ Agro-Industrial Hub: Is one of Kenya's leading agricultural and agro-industrial counties, producing a wide range of crops including potatoes, maize, beans, wheat, and horticultural products. The county's intensive farming activities make it essential for assessing pesticide use patterns and their regulation across both small- and large-scale farms. ➤ Floriculture and Horticulture Concentration: The presence of large-scale flower farms around Naivasha and other horticultural enterprises provides an opportunity to examine compliance with pesticide safety standards, worker protection measures, and export-quality residue control. ➤ Storage and Post-Harvest Pest Control: Farmers engage in extensive grain production and storage, often using pesticides to manage weevils and rodents.	➤ Agrodealers: Mawe Mbili Agrovat, Maili Tisa Agrovat, Grebe Enterprises Ltd, Kahawa Agrovat Co. Ltd, Lessos Veterinary Ltd

County	Justification	Agro-dealers, Border Points and Farmers Visited
	This offers a platform to evaluate pesticide handling and storage practices at the household and cooperative levels.	
4. Busia	➤ Border Control: Being on the Kenya-Uganda border, Busia is a critical point for regulating and monitoring the cross-border movement of pesticides. ➤ Agricultural Intensity: Is a key player in both subsistence and commercial farming, producing crops such as maize, beans, groundnuts, cassava, millet, sweet potatoes, and various fruits and vegetables. Additionally, it is part of Kenya's sugar belt, with sugarcane farming playing a major economic role. Its agricultural potential is supported by several irrigation schemes and initiatives aimed at boosting food security and rural livelihoods. Therefore, there is a need to assess pesticide regulation in the region.	➤ Agrodealers: Elmart Agrovet Ltd, Chape Agro-dealer, Farm Agrovet, Duka la Mkulima Agrovet ➤ One Stop Border Points: Busia, Malaba ➤ Large-scale and small-scale farmers: one (1) respondent
5. Uasin Gishu	➤ High Agricultural Productivity: It is characterized by intensive farming of maize and wheat as well as horticultural production of vegetable crops and flowers for export all of which heavily rely on the use of pesticides use to control pests and diseases and maximize productivity.	➤ Agrodealers: Mavuno Vet, Mosop Agrodealers, Wareng Nokoi Multipurpose Cooperative Ltd, Kabungut Agrovet Suppliers, Agrolive Agrovet, Berur Agrovet Ltd ➤ One Stop Border Post Border Points: Lwakhakha, Suam, Eldoret International Airport ➤ Large-scale and small-scale farmers: four (4) Respondents
6. Kericho	➤ High Agricultural Productivity: It is part of Kenya's agriculturally rich highlands, known for coffee, tea, and other high-value crops that rely on pesticide use. Inspection reports from the Board revealed that the area experiences challenges with maize lethal	➤ Agrodealers: Pakisons Enterprises Limited, Tropical Farmers Agrovet, Kaptain Agro Centre Limited, Milkos Agrovet, Kenya Farmers Association,

County	Justification	Agro-dealers, Border Points and Farmers Visited
	necrosis, which increases the use of pesticides to control the disease vector. ➤ High cases of pesticide poisoning; Research indicates that there are increased cases of pesticides poisonings in the County. A study conducted at Kericho Referral Hospital in 2016 revealed that 35 out of 716 patients aged between 15 and 40 suffered from pesticide poisoning. Additionally, research indicates that easy access to organophosphate pesticides has contributed to incidents among individuals aged 15-30 in the area.	Tulwet Farmers Agrovet Limited ➤ Large-scale and small-scale farmers: two (2) Respondents
7. Embu	➤ High Agricultural Productivity: It is part of Kenya's agriculturally rich central highlands, known for coffee, tea, and other high-value crops that rely on pesticide use. ➤ Rural Outreach: It is representative of smallholder farmers' pesticide practices, allowing the audit to evaluate the effectiveness of PCPB's outreach and training efforts.	➤ Agrodealers: Njanken Agrovet, Regacy Farmers Solutions, Farmlink Enterprises Limited, SoleMate Agrovet Limited, JeffChem Enterprises, Murue Agrovet ➤ Border Points: Moyale One Stop Border Post ➤ Large-scale and small-scale farmers: three (3) respondents
8. Kirinyaga	➤ Agricultural Intensity: The area is heavily dependent on agriculture, and there is a need to assess pesticide regulation among both large scale and small-scale farmers who dominate the regions irrigation schemes such as Mwea irrigation scheme. ➤ Emerging pests: There has been increase in snails in the rice irrigation fields and infestation of mice in storage facilities, which has resulted in increased use of pesticides in the region.	➤ Agrodealers: Rafiki Vet Centre, Hanza Kilimo, Downtown Kutus Agrovet, Turning Point Agrovet, Mjini Farm Input, Lima Agro ➤ Large-scale and small-scale farmers: three (3) respondents
9. Mombasa	➤ Border Control: Kenya's major port located on the coastline is a critical point for regulating and monitoring the cross-border movement of pesticides. ➤ The Board's coastal regional office, Kilindini Harbor and Moi International Airport are located in the county.	➤ Agrodealers: Shifa Chem, Farmcare Wholesale and Retail, Alfa Planters ➤ One Stop Border Post Border Points: Taveta, Lunga Lunga, Oloitoktok, Mombasa

County	Justification	Agro-dealers, Border Points and Farmers Visited
	➤ Agricultural Factors: Crop production is mainly practiced in the rural areas of Mombasa County with Maize, Cashew nuts and coconut being predominant. These high value crops are targeted for export and therefore rely on pesticide use to maintain quality and improve quantity of produce.	Port (Container Freight Stations) ➤ Large-scale and small-scale farmers: three (3) respondents
10.Kwale	➤ Agricultural Intensity: Has both coastal lowlands and hilly uplands that support diverse agricultural activities such as sugarcane, coconut, cashew nuts, and horticultural crops. This diversity presents an opportunity to assess pesticide use across different agro-ecological zones. ➤ Proximity to Entry Points: Provides a strategic location for examining cross-border movement to Tanzania and possible informal trade in pesticides that may bypass formal regulatory checks.	➤ Agrodealers: Mwenzenu Agrovet, Diani Chemist and Agrovet, Mzinyi Agroshop Kwale, Diani Coast Farmcare, South Road Pharmaceuticals Limited ➤ Large-scale and small-scale farmers: nine (9) respondents
11.Kilifi	➤ Agricultural Intensity: Has both coastal lowlands and hilly uplands that support diverse agricultural activities such as sugarcane, coconut, cashew nuts and horticultural crops. This diversity presents an opportunity to assess pesticide use across different agro-ecological zones.	➤ Large-scale and small-scale farmers: 1 Respondent
12.Nyandarua	➤ Agricultural Factors: It is a leading producer of potatoes, vegetables and dairy products for both domestic and export markets. These crops are pesticide-intensive, providing an important setting to study patterns of pesticide use, residue management and farmer practices. ➤ A report titled 'Influence on on-farm pesticide practices and processing methods on pesticide residue levels in potatoes tubers (<i>Solanum tuberosum</i> L.) in Nyandarua'	➤ Agrodealers: Mkulima A Store Agrovet, Thome Agrofarm, Mispar Enterprise Limited, Mazop Enterprises Limited, Corner Agrovet, Rena Agri-centre, Avana Agrovet, Smart Agrovet, Farmland Agrovet ➤ Large-scale and small-scale farmers: ten (10) respondents

Appendix 3: Assessment Criteria

Audit Issue	Source of Audit Criteria	Assessment Criteria
To what extent does the Board monitor and enforce compliance with regulations governing the supply, sale, use, and disposal of pesticides in order to reduce unsafe practices and prevent environmental harm?	Section 6 of the Pest Control Products Act Cap 346	The Board should: - Process and issue import permit to ensure that only registered products are imported and in the right quantities. Monitor the supply, sale and use of pesticides and ensure adherence to quality standards of pest control products from production to use. Assess the suitability of premises used for manufacture/formulation, storage and distribution of pest control products for purposes of licensing Investigate offences related to the Pest Control Products Act. Supervise the disposal of obsolete or undesired pest control products.
	The International Code of Conduct on Pesticide Management	The Board should: - Ensure inspectors are adequately resourced to carry out their functions effectively. Ensure inspectors are adequately resourced to carry out their functions effectively.
	Inspection and Certification Regulations 2024	The Board should: - Inspect all facilities that handle pesticides before issuing certificates or renewal of annual certificates. Ensure that non-compliant premises are given 60 days to rectify deficiencies and an additional 14 days to reapply for certification.
	OECD Guidance on Pesticide Compliance and Enforcement Best Practices	The Board should have a tracking system for non-compliant cases that includes a "bring forward" mechanism to determine the need for and timing of follow-up surveillance activities, such as re-inspections for compliance.
To what extent does the Board conduct effective post-registration surveillance to generate scientific data on pesticide use in the Country?	Pest Control Products Board Strategic Plan, 2023-2028	The Board should re-evaluate registered pesticides to ensure that there are products for both traditional and emerging pests and diseases. The Board should undertake post-registration analysis by sampling pest control products in the market, analyzing the formulations to ensure that they are of quality. The Board should continuously monitor pesticide residues in food crops through periodic sampling from local markets, and produce destined for international markets through laboratory analysis and take the required remedial measures where cases of contraventions have been detected. The Board should conduct periodic monitoring of pesticide contamination in water and soil and establish a working relationship with actors in the environment sector.

Audit Issue	Source of Audit Criteria	Assessment Criteria
To what extent does the Board collaborate and coordinate with other regulatory agencies to ensure effective regulatory oversight of supply, use and disposal of pesticides in the country?	The International Code of Conduct on Pesticide Management	There needs to be clear mechanisms for coordination should be established in the event that different authorities are involved in pesticide inspections in order to ensure reliable inspection system for pesticides and to prevent the entry of prohibited pesticides.
	FAO's International Code of Conduct on Pesticide Management	Governments and relevant stakeholders are encouraged to establish systems for the continuous monitoring and evaluation of pesticide use and its effects.
	Anti-Counterfeit Act CAP 521	The Anti-Counterfeit Authority should coordinate with other organizations that combat counterfeiting of products.
	Environmental and Coordination Act No.8 of 1999	National Environment Management Authority should to license all pesticide disposal facilities.
	Pest Control Products Disposal Regulations	The Board is mandated to issue certificates to persons disposing of obsolete or undesired pest control products for commercial purposes.
	Pest Control Products Board Strategic Plan 2023-2028	The Board will collaborate with County governments and the Agrochemical industry in the collection and disposal of pesticides empty containers and pesticides waste.

Appendix 4: The Board's Response to the Audit Report

Audit Finding/Section of the Report	Pest Control Products Board Response	Auditor's Response
1. The term "license" in the document	Replace the term "License" with Certificate throughout the document in order to align with our regulations.	Agreed The term "License" has been replaced with "Certificate" to reflect the Pest Control Products Board (PCPB) Regulations.
2. Page 2 paragraph 1.3 no. iv "...minimum pesticide residue levels"	Replace the term "minimum" with "maximum" to read maximum pesticide residue levels.	Agreed The term "Minimum" has been replaced with "Maximum"
3. Page 6 paragraph 2.7 Line 2 "...from the International Code of Conduct on Pesticide Management from the Food and Agriculture Organization (FAO) and the World Health Organization (WHO)..."	PCPB acknowledges and aligns with the FAO International code of conduct on Pesticide Management; however, it is not legally binding. Our mandate is derived from the Pest Control Products (PCP) Act, Cap 346 of 1982 and subsidiary legislations therefrom, which governs pesticide regulation in Kenya. The law is heavily borrowed from the FAO code.	Disagreed While it is acknowledged that the FAO International Code of Conduct on Pesticide Management is not legally binding and that the Authority's mandate is derived from the Pest Control Products Act (Cap 346), the Code represents internationally recognized best practice in pesticide management. Accordingly, it was used as a benchmark in this audit, particularly in areas where the Act and its subsidiary regulations are not explicit, lack operational detail, or do not comprehensively address emerging issues.
4. Page 7, Paragraph 2.7 no.vi Continuously monitor pesticide residues in food crops through periodic sampling from local markets through laboratory analysis and take the required remedial measures where cases of contraventions have been detected	PCPB role in pesticide management is in relation to informing the regulator in making science based regulatory decisions on use of pesticides in Kenya. PCPB does not undertake pesticide residue analysis for international markets, which is a function of Kenya Plant Health Inspectorate (KEPHIS) but for local markets. The outcome of PCPB analysis is to be shared with other regulatory agencies involved in food safety for relevant action.	The paragraph was giving a description of what is expected from the Board according to FAO guidelines. However, it has been amended to remove the phrase "...produce destined for international markets..." to remove further confusion.
5. Page 7, Paragraph 2.7 no. vii Have mechanisms for coordination with the different authorities involved in pesticide inspections in order to ensure	Delete Pesticide inspection is a singular activity, and PCPB is the only agency authorized by law to regulate pesticides for use in agriculture, public health and	Disagreed While PCPB is the sole legally mandated regulator of pesticides, the criterion does not imply a sharing of mandate but rather the

Audit Finding/Section of the Report	Pest Control Products Board Response	Auditor's Response
reliable inspection system for pesticides and to prevent the entry of prohibited pesticides	building and construction in Kenya. You require powers as per the Act to be able to undertake these duties. It is therefore not possible for other institutions to undertake this activity unless with gazettelement.	establishment of coordination mechanisms with other relevant agencies whose functions intersect with pesticide control. Such coordination is necessary to enhance information sharing, support enforcement, and ensure a comprehensive inspection system, particularly in preventing the entry of prohibited pesticides.
6. Page 8, Paragraph 3.1 Line 2 "The Act recognizes that pesticides are key to agricultural production but can be harmful to humans, animals and the environment"	Delete this statement, as it is not speaking to the pesticide regulatory legal framework or insert <i>...harmful if used irresponsibly.</i>	The paragraph was amended to include the term "if used irresponsibly" at the end of the paragraph
7. Page 8, Paragraph 3.2 The Pest Control Products Regulations issued in 2024 for registration, inspection and certification, disposal, as well as import and export provide guidance on the oversight of pesticides.	Nomenclature of the regulations is incomplete; should be: i. The Pest Control Products Regulations (Registration) Regulations, 2024 ii. The Pest Control Products (Importation and Exportation) Regulations, 2024 iii. The Pest Control Products Regulations (Disposal) Regulations, 2024 iv. The Pest Control Products Regulations (Fees and Other Charges) Regulations, 2024 v. The Pest Control Products Regulations (Labelling, Advertising and Packaging) Regulations, 2024 vi. The Pest Control Products Regulations (Inspection and Certification) Regulations, 2024	The paragraph was deliberately summarized to improve readability and consolidate related regulatory functions under the Pest Control Products Regulations issued in 2024. However, for clarity, the regulations have been listed as suggested.
8. Paragraph 4.1 According to the Inspection and Certification Regulations 2024...	The narration for the regulation is wrong. Change to "The Pest Control Products Regulations (Inspection and Certification) Regulations, 2024"	Amended
9. Paragraph 4.2 First Line The audit established that the Board did not have the actual number of premises that	Add the explanation after the first line that, by the end of 2024/25 Financial Year the total number of premises and certified was 11,150. However, it is difficult to	The audit finding relates to the absence of a complete and up-to-date database of premises handling pesticides, including their

Audit Finding/Section of the Report	Pest Control Products Board Response	Auditor's Response
handle pesticides in the Country.	have a definite number of fixed premises at any one time because many start business and others close every day.	current operational status. The figure of 11,150 certified premises was not supported by a comprehensive, verifiable database with continuously updated records. The sentence has been amended to reflect that the Board did not have an accurate and complete record of all premises at the time of the audit.
10. Paragraph 4.5 Although the increase of unregistered, expired and counterfeit products impounded is attributed to the increase in the number of inspections conducted by the Board, it also shows, increased inspections were not a deterrent to production and sale of such products. Further, Section 19 (1)(a)(b) of The Pest Control Products (Inspection and Certification) Regulations, 2024 requires the Board to cancel certification of non-compliant premises. Review of prosecution records for the audit period established that the Board had successfully prosecuted some of the cases as indicated in Table 4. However, despite impounding the products and securing convictions, the Board did not revoke the premises' certificates, thereby sustaining the risk of repeat offences and the continued sale of illegal products.	Do not agree Delete the statement "Although the increase of unregistered, expired and counterfeit products impounded is attributed to the increase in the number of inspections... it also shows, increased inspections were not a deterrent to production and sale of such products" Instead add There was a remarkable seizure of PCPs during the Financial Year 2024/25. This was attributed to increased inspection following increased budgetary allocation and employment of more inspectors. Additionally, 17 tonnes of the 25 tonnes comprised one off seizure of illegal imports impounded at the ports and borders before entering and therefore preventing their entry into the market. Therefore, the illegal PCPs were being smuggled into the country but it did not reach the farmers. Inspections are conducted to enhance compliance in the Pesticide industry. Seizures also deter importation and production of illegal products by disrupting the market. It is important to note that the Pest Control Products (Inspection and Certification) Regulations were gazetted in November 2024, and the performance audit covers Financial Year 2021/22 to 2024/2025. The new regulations do not apply retrogressively.	While increased inspections and seizures are acknowledged, they do not in themselves demonstrate effective deterrence, as non-compliant and illegal products continued to be detected during the period under review. In addition, although some prosecutions were successful, there was no evidence of consistent application of post-conviction enforcement actions where applicable, including action against licensed premises. This indicates gaps in enforcement follow-through, which may undermine the overall effectiveness of regulatory controls. Additionally, the statistical evidence that has been alleged in the rebuttal has not been provided.

Audit Finding/Section of the Report	Pest Control Products Board Response	Auditor's Response
	Prior to the gazettelement of the new premises inspection and certification regulation, the law did not provide for a means of cancelling or revoking a premises certificate. Additionally, most of the premises found selling illegal pest control products were operating without certification. Therefore, there would be no certificate to cancel. Cancellation of certificates upon conviction is provided as an option and not mandatory. It would be best applied for repeat offenders for instance, one shop was closed due to repeated sale of illegal PCPs in Mpeketoni Centre-Lamu Nevertheless, the word “may” used in clause PCP (Inspection and certification) 19(1) legally refers to an expression of possibility or choosing to act or not act. This means the Board has an option of closing or not closing the premises and therefore closure is not mandatory. Those convictions can be viewed as enough deterrent.	
11. Paragraph 4.8 Interviews with staff in charge of the regional offices indicated that follow-up inspections were not conducted regularly and often depended on the severity of the non-compliance observed. A survey with agro-dealers revealed that out of the fifty-five (55) sampled agro-dealer premises, 49% or twenty-seven (27) had undergone at least one follow-up inspection in the Financial Year 2024/25, while 51% stated that no follow-up visit had been made after the initial inspection. In eleven (11) out of the twenty-seven (27) premises that had follow-up conducted in the same financial year, the inspections occurred after more	Do not agree; Explanation: Follow-up inspections were not previously conducted regularly because of limited resources. In the current 2025/26 FY, follow-ups have been budgeted for and have promptly been conducted. However, it is worth noting that follow-up inspections are only required for premises whose initial inspection required corrective action. Premises that qualify for certification do not require follow-up inspections. Additionally, the 55 premises surveyed were not candidates for follow-up inspection since there is no evidence that they didn't comply in the initial inspection.	Evidence obtained from interviews, surveys, and sampled premises indicated inconsistencies in the conduct and timeliness of follow-up inspections. While follow-up inspections may be risk-based and undertaken only where corrective action is required, no evidence of such a structured prioritization framework was provided during the audit. The survey results showed that a significant proportion of sampled premises had not received any follow-up visit, and where conducted, some inspections occurred beyond 90 days. Further, while it is noted that the Pest Control Products (Inspection and Certification) Regulations,

Audit Finding/Section of the Report	Pest Control Products Board Response	Auditor's Response
than ninety (90) days, surpassing the regulatory timeframe of sixty (60) days.	It is important to note that the Pest Control Products (Inspection and Certification) Regulations were gazetted in November 2024, and the performance audit covers financial years 2021/22 to 2024/25. The new regulations are not applied retrospectively. The timeframe of 60 days indicated is for the non-compliant premises to rectify and not the period for re-inspection. The law does not provide timelines for a follow-up inspection to be conducted.	2024 were gazetted in November 2024 and are not applied retrospectively, the observed gaps relate to implementation practices during the audit period and the applicable regulatory expectations at the time. The audit therefore highlights weaknesses in the consistency and timeliness of follow-up inspections within the prevailing framework during the period under review.
12. Paragraph 4.9 The audit established that the regional offices lacked a mechanism for recording non-compliant entities and the required follow-up actions. Corrective actions issued to twenty-eight (28) of the sampled facilities had no specified timelines within which the entity was expected to comply and there were no records of follow-up. There is a risk that non-compliant premises remain in operation while compliant premises may lapse into non-compliance in the end, as there was no follow up and punitive sanctions for non-compliant premises.	Partially Agree From 2021/2022 to early 2024, premises non-compliances were recorded in the inspection checklist in duplicate, where a copy was given to the client and another retained for record. Since early 2024, when we migrated to the e-citizen platform, such records have not been available. However, the institution has initiated the process of archiving inspection the records. Follow-up inspections cannot be structured since they are informed by the encountered non-conformities during the main inspection.	Disagreed Even with limited resources, an organization is expected to allocate effort to high-risk or high-impact areas first. This risk-based strategy or plan was not presented to the audit team during the time of the audit. While the specific legal provisions may have been enacted after the period under review, the expectation for adequate regulatory oversight, risk-based planning, and timely follow-up of non-compliance is grounded in established principles of good governance and sound administrative practice. The observed gaps therefore reflect weaknesses in planning, implementation, and oversight rather than the absence of a specific legal requirement. The additional evidence presented on disposal of pesticides was not relevant to the finding.
13. Paragraph 4.11 According to the Pest Control Products Act Cap 346, Section 6, the Board is mandated to create awareness to the public on all aspects of safety,	Section 6 of the Pest Control Products Act, Cap 346, does not explicitly provide for the creation of awareness to the public on all aspects of safety, storage, handling and use of pest control	The finding has been amended to cite the strategic plan 2023-2027 Furthermore, the Board's continued execution of awareness activities and its inclusion in

Audit Finding/Section of the Report	Pest Control Products Board Response	Auditor's Response
storage, handling and use of pest control products.	products. This is a devolved function under the constitution of Kenya 2010. It is part of the Extension Service, which is a county government function. However, noting the gaps in County extension services, the dissemination of information has been provided for in the Proposed Pest Control Products Bill, now in Parliament, awaiting debate and approval.	the 2023-2027 Strategic Plan invalidates the assertion that this function has been entirely left to the counties. Given the devolved nature of extension services, effective implementation of this function requires collaboration and coordination between the national and county governments. The absence of explicit wording in Section 6 therefore does not remove this broader responsibility.
14. Paragraph 4.12 Analysis from survey data of farmers and agro-dealers indicated that awareness at the farmer level remained limited. For instance, analysis of data from farmer surveys revealed that out of the forty-nine (49) farmers interviewed, only 29% stated that they had ever been trained by the Board on the regulation and safe use of pesticides. In contrast, of the fifty-five (55) agro-dealers interviewed, 65% reported having received training or sensitization from the Board. This indicated that the Board's sensitization programs focused more on agro-dealers than farmers, who are the primary pesticide users.	Do not agree Comment: Since the devolution of the agriculture function, including crop and animal husbandry to the counties, engagements, extension, training and sensitization of farmers is squarely the mandate of County Governments.	Further, the Pest Control Products bill is yet to be enacted and hence is it not legally binding. Refer to response 13 above
15. Paragraph 4.15 Limited sensitization to farmers contributed to improper handling and disposal of pesticides and pesticides wastes, increasing health and environmental risks. For instance, according to aak-Grow Annual Report, 2024, Lamu County farmers intercropped cotton with food crops, which is dangerous, as cotton requires heavy pesticide use, which can contaminate	Do not agree: Please take note that this is a mandate of county governments as provided for in the Constitution of Kenya, 2010, Fourth Schedule	

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food crops in such a mixed-cropping system. Further farmers used herbicides to dry food crops, and disposed empty pesticide containers incorrectly. The Report further indicated that there was rising pesticide resistance and high residues in produce. The situation was further complicated by the ease of access to illegal pesticides. The aak-Grow Report attributed the improper use of herbicides to lack of adequate knowledge and skills.		
16. Paragraph 4.18 Subsequently, the Board reviewed twenty-six (26) out of four hundred and twenty (420) registered active ingredients, which affected four hundred and four (404) pest control products. Of these, seventeen (17) active ingredients, covering two hundred and thirty-eight (238) pest control products, were fully reviewed. The Board banned two (2) active ingredients: both of which were commonly used as insecticides; however, no end products were affected as the registrants (product companies) had voluntarily withdrawn the products. However, the Board had not established a formal review cycle or developed Standard Operating Procedures (SOPs) to guide the frequency and prioritization for conducting periodic re-evaluations.	Do not agree; Please edit and correct as per the figures below. PCPB reviewed 40 active ingredients out of 420 registered active ingredients, which affected 712 pest control products whereby: 8 active ingredients were withdrawn which affected 77 products, 7 active ingredients were restricted which affected 202 PCPs 25 active ingredients have also been reviewed which will affect 433 PCPs and are awaiting public participation to finalize the decision. The regulations provide for review whenever there is new scientific information to the effect that the already registered products are unsafe to human health and the environment. This is the trigger for the review. There is no provision for periodic review in the current law.	The team accepts the revised statistics provided. However, While the regulations provide for review based on new scientific information, the audit finding relates to the absence of documented procedures and clear criteria to guide such reviews. Reliance on ad hoc triggers without a structured framework may limit the Board's ability to consistently identify and respond to emerging risks. The framework provided is still a draft and therefore the cause of the finding shall remain as is.
17. Paragraph 4.19 As at the time of the audit in March 2026, the Board, due to limited laboratory capacity, was not collecting primary scientific data to confirm or refute	Do not agree Please note that the audit period is between 2021/2022 to 2024/2025.	March 2026 is the cut-off date for receipt of evidence. Additional evidence to dispute the finding has not been provided.

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allegations such as carcinogenicity, effectiveness and safety of an active ingredient. Insufficient periodic review of registered pest control products was attributed to lack of a framework for strengthening post registration surveillance. The framework would provide a definite period within which the reviews are to be undertaken among other issues. A draft framework was undergoing review as at the time of the audit.	Refer to comments on frameworks in 4.18 Data generation is undertaken by the Registrants (owner/manufacture of the products) in accordance with the International Best Practice to align with PCPB Data requirements.	The framework mentioned is still a draft and therefore cannot be considered as a guiding document.
18. Paragraph 4.20 Insufficient periodic reviews of pest control products potentially lead to the risk of not identifying pesticides that pests are resistant to, those that are harmful to beneficial organisms and those that are contaminating food, water and soil.	Please refer to the response in 4.18 (Development of review guidelines)	The framework had not been finalized and implemented at the time of the Audit. Therefore, the finding remains unchanged.
19. Paragraph 4.21 According to the FAO Guidelines on Post Registration Surveillance and other Activities in the Field of Pesticides, 1988, the Pesticide Regulatory Board should use residue monitoring data to provide the basis for modifying use patterns, restricting or cancelling registered uses, or taking enforcement action against pesticide misuse. The audit established that in the financial years 2021/2022 to 2024/2025, the Board planned to undertake 1,455 formulation analysis tests across the Country and achieved 1,710 formulation analysis tests, as illustrated in the Table 6.	Agree with comments; In the period under review, the department has observed an increase in the number of samples because of an increase in raids from inspections and post-registration surveillance. However, there is a plan to separate the two sampling categories. Change to 518	Additional evidence for the 518 statistic was not provided. The finding shall remain as reported.
20. Paragraph 4.23 The formulation analysis tests conducted in the financial year 2024/25 translated to five	Agree with comments; Please take note that sample analysis is risk-based. This means that focus is placed on active	As per the data provided to the audit team for registered pest control products, the number was 1,161.

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hundred and eighteen (518) products out of 1,161 registered products. This represents only 45% of the registered products. Limited formulation analysis testing increases the risk that non-compliant or substandard products may remain in the market undetected.	ingredients that are likely to present risk to consumers and the environment. Also, in response to complaints received regarding the performance of certain products. Kindly note that the number of registered products was 2,600.	Therefore, the finding shall remain unchanged.
21. Paragraph 4.24 The audit established that the Pest Control Products Board's laboratory is not adequately equipped to analyze all registered products, as different pesticide molecules require specialized testing equipment that is not available. Consequently, the Board is unable to test some products and instead selects samples from agrovets and agrochemical companies based on risk and availability of funds. This limits the number and range of products analysed and increases the risk that some products remain untested.	Partially agree, but we recommend that the last sentence be deleted as it contradicts the previous one. The limited number of equipment is due to limited funding for the laboratory project. For instance, in 2024/2025, there was no allocation for funding for the project by the National Treasury despite PCPB including the same in the budgetary requirements	Disagree. The two sentences do not contradict each other. The sentences are logically consistent and actually reinforce the same point. The second sentence explains the effect of the risk-based sampling that is influenced by funding constraints.
22. Paragraph 4.25 The absence of an adaptive approach to formulation analysis in pesticide regulation increases the risk that emerging or modified products enter the market without adequate scrutiny. This may result in hazardous ingredients, substandard formulations, or altered concentrations going undetected, thereby posing risks to human health, the environment, and agricultural productivity.	Do not agree; Not clear; please consider deletion	This paragraph presents the risk that we may face due to inefficiencies in planning for formulation analysis.
23. Paragraph 4.26 the Board was to continuously monitor pesticide residues in food crops through periodic sampling from local	Agree but; Add after the line on international markets..... "The board will use the results for regulatory decisions."	The Board did not provide the evidence to support the assertion and therefore the criteria shall remain as presented

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markets, and produce destined for international markets.	Agree, but rewrite the statement as; The Board shall undertake continuous monitoring of pesticide residues in food crops through periodic sampling from local markets, and the results shall inform regulatory decisions by the Board, KEPHIS, and AFA.	
24. Paragraph 4.27 The audit established that during the period under review, the Board had not conducted pesticide residue analysis in water or environmental samples such as soil. The Board only undertook three (3) baseline studies on pesticide residue on kales, onions and tomatoes in 2024, and a residue analysis on potatoes in June 2025.	The PCPB laboratory is relatively new. PCPB is in the process of equipping the laboratory, which has been slow due to budgetary constraints. According to international best practices, equipment used for formulation analysis cannot be used for residue analysis in water or environmental samples due to cross-contamination.	The finding shall remain unchanged.
25. Paragraph 4.30 According to aak-Grow annual report, 2024 non-compliance of residue levels has led to significant setbacks, including the closure of European Union (EU) export markets for crops like French Beans. Additionally, Kenya is currently on the EU's red list for produce such as chilies, peas and beans with pods for exceeding EU's Maximum Residue Limits. (MRL). The EU's tightened regulations have strained Kenyan exporters, highlighting the urgent need for effective solutions.	Do not agree; this is not within our mandate. "Delete".	This statement demonstrates the growing concerns within the pesticide sector and the significant consequences of residue non-compliance. Although these export restrictions are not a direct result of PCPB's internal actions, they serve as a critical performance indicator for the broader regulatory framework. Providing this background ensures the report accurately reflects the high-stakes in the environment in which the Board operates."
26. Paragraph 4.31 According to the International Code of Conduct on Pesticide Management, clear mechanisms for coordination should be established in the event that different authorities are involved in pesticide inspections in order to ensure a reliable inspection system for pesticides. Further, the Board's	Do not agree; While we recognize FAO Code of Conduct on Pesticide Management, it is not legally binding, and it is the PCP Act that guides matters related to pesticides While strategic plans are essential planning instruments, they are inherently aspirational and visionary in nature, intended to provide directional guidance	While it is acknowledged that the FAO International Code of Conduct on Pesticide Management is not legally binding and that the Authority's mandate is derived from the Pest Control Products Act (Cap 346), the Code represents internationally recognized best practice in pesticide management. Accordingly, it

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Strategic Plan 2023-2027 states that the Board will collaborate with the county governments in the collection and disposal of pesticides empty containers and pesticides waste.	rather than impose rigid obligations, and therefore should not be used to unduly hold an organization accountable for partial or evolving implementation. Please take note that Countries that do not have pesticides regulatory law apply the FAO code and Kenya is not in that category. We are guided by the provision of Cap 346 laws of Kenya.	was used as a benchmark in this audit, particularly because the Act and its subsidiary regulations were not explicit on establishment of clear mechanisms for coordination. Additionally, assessing performance against the strategic plan evaluates whether the Authority has implemented its own plans and achieved its stated objectives. Its use as criteria is therefore consistent with performance audit principles, particularly in assessing effectiveness and accountability.
27. Paragraph 4.32 County governments are responsible for issuing business trading licenses to all enterprises, including those dealing in pesticides. Before issuance or renewal of such licenses, the County Department of Agriculture assesses the suitability of premises and verifies the qualifications of the applicant.	Do not agree with the second sentence. It is the responsibility of PCPB to assess the suitability of premises and certification in line with provisions of the PCP regulations. Please take note that pesticides are toxic substances and Counties lack capacity to determine the suitability of the premises.	Disagree. Information obtained in the second sentence is based on responses from the sampled County Governments. The Board response gives further validation to the finding on the need for collaboration to ensure the suitability of premises before they begin operations and enhance enforcement for already certified agro-dealers.
28. Paragraph 4.33 The audit established that collaboration between the Board and county governments on certification of facilities handling pesticides was minimal. Out of ten (10) sampled counties whose data was obtained, only one (1) county collaborated with the Board during initial inspection by identifying agro-dealer outlets and accompanying the Board inspectors. Only two (2) counties participated in routine inspections, though not regularly, while only one (1) county shared data on licensed premises with the Board.	Do not agree; In the current regulatory framework, there is no established collaboration between the County Government and PCPB on the certification of facilities handling pesticides. However, the role of county governments is elaborated in the Proposed Pest Control Products Bill, 2025.	The finding remains unchanged. The Board's response further validates the need for collaboration.

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29. Paragraph 4.39 In the seventeen (17) border points that lack PCPB technical officers, there were no physical inspections of pesticides to verify the consignments on transit. This was attributed to human resource constraints and thereby increasing the risk of illegal entry of pesticides in the country.	PCPB has deployed inspectors at the main border points. Lack of deployment of PCPB officers to some border points is due to limited resources, particularly funding and human resources.	The finding remains unchanged.
30. Paragraph 4.41 "..... mainly reactive"	Delete "reactive"; it is on a need-to-need basis	Disagreed. The statement further elaborates the case-by-case basis that is insinuated therefore the finding remains unchanged.
31. Paragraph 4.43 The reactive collaborations are attributed to the fact that there is no framework for collaboration that identifies and defines the roles and responsibilities of each agency as well as when and how often they should work together. This leads to delayed identification and removal of counterfeit pest control products, allowing illegal products to remain in the market longer and expose users, consumers, and the environment to health and safety risks. These incident-driven collaboration results in less frequent joint operations rather than sustained intelligence sharing, coordinated surveillance, and preventive market monitoring. This causes enforcement gaps and duplication of efforts.	Do not agree; PCPB executes inspections and investigations as an entity in accordance with provision of the PCP Act 346. However, it is on a need basis, there is collaboration between Anti Counterfeit Authority (ACA) and PCPB on enforcement activities on counterfeit pesticides. Limited collaboration ACA and PCPB does not necessarily give space for illegal pesticide infiltration since each institution operates within its mandate and has a duty to address counterfeits in its context. There is no duplication of efforts between PCPB and ACA.	Amended to delete the duplication of efforts. However, the rest of the finding will remain unchanged.
32. Paragraph 4.45 "The audit established that the Board collaborated with the agrochemical industry, primarily through the Agrochemicals Association of Kenya (AAK), under a Producer Responsibility Framework. AAK, in	Partially agree: Add: The collaboration on Empty Pesticide Management is ongoing but will be enhanced upon enactment of the PCPB Bill Please take note that the sustainable empty pesticide container management initiative was financed by aakGrow. The role of PCPB is limited to ensuring that the disposal of	The team has deleted "or expired pesticides. The rest of the finding will remain unchanged.

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collaboration with the Board and the Kenya..."	Empty Pesticide Containers (EPCs) is conducted as per the Pest Control Products (Disposal) 2024 Regulations. The collection sites were strictly for EPCs. Delete the statement "or expired pesticides".	
33. Paragraph 4.46 The limited collaboration was attributed to weak institutional coordination mechanisms between the Board, counties, and industry players; and the suspension of the Extended Producer Responsibility Regulations, 2024, which stalled full implementation of the producer responsibility system. In addition, limited awareness and low community ownership hindered the sustainability of disposal initiatives...	Do not agree: There exist the Extended Producer Responsibility Regulations, 2024 in force. Based on this regulation, the Hazardous Waste Producer Responsibility Organization of Kenya has been formed where PCPB gives guidance on how the disposal process should comply with the Pest Control Products (Disposal) 2024 Regulations.	Amended to delete suspension of the Extended Producer Responsibility Regulations, 2024.
34. Paragraph 4.47 The absence of a sustained and structured collaboration framework limited the effectiveness of collection and safe disposal of empty pesticide containers and pesticide waste across counties. This situation increased the risk of unsafe disposal practices, leading to potential environmental pollution and public health concerns.	Addressed by 4.46 above PCPB has supervised the disposal of a substantial amount of EPCs. Evidence: Reports PCPB has supervised the large farms and factories on the safe disposal of EPCs through approved processes.	The observation remains unchanged as the framework is draft and is not binding.
35. Paragraph 4.48 "According to the FAO's International Code of Conduct on Pesticide Management, governments and relevant stakeholders are encouraged to establish systems for the continuous monitoring and evaluation of pesticide use and its effects. The audit established that the Kenya Plant Health Inspectorate	Agree but add: There is a new framework; The National Pesticide Residue Monitoring Framework (NPRMF) which brings together relevant public and private sector stakeholders. This will promote information sharing which will inform necessary interventions. PCPB takes the lead on this.	Disagree. The framework mentioned is still a draft and therefore cannot be considered as a guiding document.

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Service (KEPHIS) independently..."		
36. Paragraph 4.49 "However, the audit established that KEPHIS has never shared the data with the Board to assist in regulatory oversight despite requests by the Board. It was also not clear why these two entities appeared to have duplicated roles, with respect to monitoring the impact of pesticide use on farm produce. The lack of sharing of..."	Addressed by 4.48 above. KEPHIS also sends to PCPB regular communication on interceptions in overseas markets due to exceedance of MRLs, including the name of the exporter, the commodity intercepted and the reason for interception.	Disagree. The framework mentioned is still a draft and therefore cannot be considered as a guiding document.
37. Paragraph 4.50 There has been close examination of Kenya's fresh produce destined for the EU market because of repeated incidences of exceeding MRL. For instance, in 2024, consignments of beans and peas in pods from Kenya were intercepted due to pesticide residue levels exceeding Maximum Residue Limits. This has affected Kenya's export earnings from fresh vegetables and increased health risks as the rejected products must have been consumed locally. With information sharing, the Board can follow up such cases and the situation corrected.	Rejected horticultural produce in the EU is not usually returned to the exporting country. The fear that the rejected products must have been consumed locally is unfounded.	That may be the case for consignments detected at the destination point. However, the audit did not obtain sufficient evidence on how products rejected at border points are subsequently handled. While it was indicated that such consignments are not permitted to exit, there was no documented assurance on their final disposal or controls to prevent potential diversion. This creates a gap in accountability and traceability, which the audit highlights as a risk.

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