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THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT- FIFTH SESSION - 2026
DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON:
THE PLANT PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2025)

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 16 JUN 2026	
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TABLED BY:	Hon. (Dr.) John Mutunga (Chairperson, Agriculture & Livestock Committee)
CLERK-AT THE-TABLE:	Komale

CLERK'S CHAMBERS
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LIST OF ABBREVIATIONS AND ACRONYMS

AAK	:	Agro-Chemicals Association of Kenya
ALOP	:	Appropriate Level of Protection
ANVISA	:	National Health Surveillance Agency
APHIS	:	Animal and Plant Health Inspection Service
ASTGS	:	Agriculture Sector Transformation and Growth Strategy
DAFF	:	Department of Agriculture, Fisheries and Forestry (Australia)
DALRRD	:	Department of Agriculture, Land Reform and Rural Development
FAO	:	Food and Agriculture Organization
FCM	:	False Codling Moth (<i>Thaumetotibia leucotreta</i>)
GM	:	Genetically Modified
IPPC	:	International Plant Protection Convention
ISPMs	:	International Standards for Phytosanitary Measures
KALRO	:	Kenya Agricultural & Livestock Research Organization
KEBS	:	Kenya Bureau of Standards
KEPHIS	:	Kenya Plant Health Inspectorate Service
KSC	:	Kenya Seed Company
MAAIF	:	Ministry of Agriculture, Animal Industry and Fisheries
MAPA	:	Ministry of Agriculture and Livestock (Brazil)
MLN	:	Maize Lethal Necrosis
NOPEU	:	National Ordinary People Empowerment Union (Kenyan Political Party)
NPPO	:	National Plant Protection Organization
ODM	:	Orange Democratic Movement
PCPB	:	Pest Control Products Board
PPA	:	Plant Protection Act
PRAs / PRA	:	Pest Risk Analyses / Pest Risk Analysis
UDA	:	United Democratic Alliance
USDA	:	United States Department of Agriculture
WTO-SPS	:	World Trade Organization Sanitary and Phytosanitary Agreement

LIST OF ANNEXURES

Annexure 1: Report Adoption Schedule

Annexure 2: Minutes

Annexure 3: Copy of the Plant Protection Bill (National Assembly Bill No. 28 of 2025)

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CHAIRPERSON'S FOREWORD

This report presents the proceedings of the Departmental Committee on Agriculture and Livestock during its consideration of the Plant Protection Bill (National Assembly Bill No. 28 of 2025). The Bill, sponsored by Hon. Kimani Ichungw'a, EGH, MP, the Leader of the Majority Party, was published on 24th June 2025 and underwent its First Reading on 6th August 2025. It was subsequently committed to the Committee for consideration and reporting to the House pursuant to Standing Order 127 of the National Assembly Standing Orders.

The primary objective of the Bill is to establish a comprehensive statutory and institutional architecture designed to safeguard agrarian ecosystems, prevent the introduction, establishment, and spread of plant pests and facilitate safe trade in plants, plant products, and other regulated articles. Significantly, the Bill seeks to introduce modern phytosanitary measures to secure Kenya's agriculture against endemic and foreign pests.

In compliance with Article 118 (1) (b) of the Constitution and Standing Order 127 (3), the Committee placed advertisements in the print media on 15th August 2025 requesting memoranda from members of the public and relevant stakeholders. To complement these written submissions, the Committee, vide a letter REF: NA/DDC/A&L/2026 (035) dated 21st April 2026, invited key actors to a stakeholders' engagement meeting. This consultative forum allowed the Committee to capture vital input from key institutions.

Following a comprehensive examination of the Bill and a rigorous synthesis of the submissions made, the Committee observed that the enactment of the Plant Protection Bill, 2025 represents a watershed moment for Kenya's agricultural sector. This legislative intervention transitions the country's biosecurity framework away from reactive control measures toward a highly proactive, science-driven decision making by incorporating global and regional best practices. Significantly, the Bill resolves long-standing statutory obsolescence by directly addressing contemporary agricultural innovations and market realities that have emerged since the mid-20th century, thereby systematically eliminating the enforcement gaps, inadequate penalty structures and procedural limitations that weakened the legacy Plant Protection Act (Cap 324).

Further, the Bill optimizes Kenya's institutional architecture and secures global trade by formally designating the Kenya Plant Health Inspectorate Service (KEPHIS) as the nation's singular National Plant Protection Organization (NPPO). This formal designation institutionalizes Kenya's compliance obligations under the International Plant Protection Convention (IPPC), providing a legally verifiable foothold in international commerce that secures uninterrupted market access for agricultural exports, protects rural livelihoods and mitigates the risks of non-tariff trade restrictions or cargo rejections. Finally, the Bill establishes a clear separation of powers between executive enforcement and technical advisory mandates. Under this structured framework, KEPHIS retains exclusive, day-to-day regulatory and enforcement powers over border surveillance, plant health inspections and quarantine controls, while specialized entities, such as the Kenya Technical Committee on Biological Articles and Control Agents, are restricted to an advisory and evaluative roles centered strictly on risk assessment and high-level policy review.

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

The Committee appreciates the Offices of the Speaker and the Clerk of the National Assembly for the technical and logistical support accorded to it during its sittings. Further, the Committee appreciates all stakeholders who dedicated their expertise and time to submit comments on the Bill. Finally, I wish to express my profound appreciation to the Honourable Members of the Committee and the Secretariat for their invaluable contributions toward the preparation of this report.

On behalf of the Departmental Committee on Agriculture and Livestock and under provisions of Standing Order 127 (4), it is my pleasant privilege and honour to present to the House this report of the Committee on its consideration of the Plant Protection Bill (National Assembly Bill No. 28 of 2025).

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

1.0 PREFACE

1.1 INTRODUCTION

1. The agricultural sector serves as a primary pillar of economic stability and food security across global markets, yet it remains inherently vulnerable to transboundary biological threats. In response to these escalating risks, the Plant Protection Bill, 2025 establishes a comprehensive statutory and institutional architecture designed to safeguard agrarian ecosystems. The Bill, for enactment by Parliament, establishes a regulatory and institutional framework for the prevention of introduction, establishment and spread of plant pests; management of plant pests; facilitate safe trade in plants, plant products and other regulated articles. The Bill, sponsored by Hon. Kimani Ichungw'a, the Leader of the Majority Party, was published on 24th June 2025 and Read a First Time on 6th August 2025.
2. The Bill seeks to introduce Phytosanitary measures to secure Kenya's agriculture against endemic and foreign pests, promote safe trade, protect the environment and ensuring the sector remain productive and contribute to the national economy.
3. The Plant Protection Act (Cap. 324 of the Laws of Kenya) enacted in 1937 and the subsequent revisions no longer fully address the current agricultural, environmental and trade realities, hence the need for a legislative review to address critical gaps in the sector.

1.2 MANDATE OF THE COMMITTEE

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

1.3 COMMITTEE SUBJECTS

5. The subject matter of the Committee is stated in the Second Schedule of the National Assembly Standing Orders and includes *agriculture, livestock, food production and marketing*.
6. In executing its mandate, the Committee oversees the Ministry of Agriculture and Livestock Development.

1.4 COMMITTEE MEMBERSHIP

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

Chairperson

Hon. (Dr.) John Kanyuithia Mutunga, PhD, MP

Tigania West Constituency

UDA Party

Vice-Chairperson

Hon. Brighton Leonard Yegon, MP

Konoin Constituency

UDA Party

Members

Hon. Sabina Wanjiru Chege, CBS, MP
Nominated Member

Jubilee Party

Hon. Gabriel Gathuka Kagombe, MP
Gatundu South Constituency

UDA Party

Hon. Ferdinand Kevin Wanyonyi, MP
Kwaza Constituency

Ford Kenya Party

Hon. Monicah Muthoni Marubu, MP
Lamu County

Independent Member

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency

ODM Party

Hon. Patrick Kibagendi Osero, MP
Borabu Constituency

ODM Party

Hon. Justice Kipsang Kemei, MP
Sigowet/Soin Constituency

UDA Party

Hon. Yussuf Mohamed Farah, MP
Wajir West Constituency

ODM Party

Hon. Jared Odoyo Okelo, MP
Nyando Constituency

ODM Party

Hon. Ruth Adhiambo Odinga, MP
Kisumu County

ODM Party

Hon. Lawrence Mpuru Aburi, MP
Tigania East Constituency

NOPEU Party

Hon. John Okwisia Makali, MP
Kanduyi Constituency

Ford Kenya Party

Hon. David Kiplagat, MP
Soi Constituency

UDA Party

I.5 COMMITTEE SECRETARIAT

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

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

Mr. Victor K. Kilimo
Clerk Assistant III

Ms. Evelyne Orina
Clerk Assistant III

CPA Robert Ng'etich
Fiscal Analyst I

Mr. Shadrack Musyoki
Senior Research Officer

Mr. Gerald Kadede
Legal Counsel II

Mr. Calvin Karung'o
Media Relations Officer III

Mr. John Ng'ang'a
Audio Recording Officer

Ms. Jacinta Maru
Serjeant-at-Arms

2.0 BACKGROUND TO THE PLANT PROTECTION BILL, 2025

2.1 CONTEXT OF PLANT PROTECTION LEGISLATION

8. The governance of plant health or phytosanitary regulation, bridges environmental conservation, domestic food security and international trade law. As global supply chains have expanded, the risk of introducing transboundary pests, noxious weeds and invasive pathogens has scaled exponentially. Regulating these biological risks requires a dual approach: binding global treaties that standardize safety metrics to prevent protectionist trade barriers and robust national legislation that translates those international standards into domestic regulatory powers.
9. Historically, international plant protection evolved alongside the expansion of global agricultural trade in the 19th and 20th centuries. The primary challenge was balancing biosecurity with trade facilitation, ensuring countries could protect their ecosystems without using arbitrary health regulations as hidden, non-tariff barriers to trade.
10. The **International Plant Protection Convention (IPPC)**, a multilateral treaty overseen by the Food and Agriculture Organization (FAO), serves as the definitive global framework for preventing the introduction and spread of plant pests. To harmonize global biosecurity and trade, the IPPC establishes International Standards for Phytosanitary Measures (ISPMs) that guide nations in inspecting commodities, managing wood packaging, and responding to biological emergencies. Under this treaty, contracting parties are legally obligated to establish a National Plant Protection Organization (NPPO), a sovereign entity responsible for executing border inspections, conducting Pest Risk Analyses (PRAs) and issuing official phytosanitary certificates to ensure safe international commerce.
11. The World Trade Organization's Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) reinforces global biosecurity by granting member states the right to restrict imports to protect plant life, provided these measures are based on scientific principles and rigorous risk assessments. By explicitly recognizing the IPPC as the international standard-setting body for plant health, the agreement ensures that any national legislation aligned with IPPC protocols is presumed compliant with international trade laws, effectively preventing arbitrary phytosanitary restrictions from acting as hidden barriers to commerce.

2.2 EVOLUTION OF PLANT PROTECTION LEGISLATION IN KENYA

12. As a primary agricultural exporter to highly competitive markets (such as the European Union) and a vital transit hub for East Africa, Kenya's economic stability depends heavily on its biosecurity infrastructure.
13. For decades, Kenya's primary legal mechanism for plant health was the **Plant Protection Act (Cap 324)**. While Cap 324 established basic biosecurity controls, it was drafted in an era before modern agricultural biotechnology, devolution and complex global trade treaties. It lacked explicit alignments with the full suite of modern IPPC protocols and struggled to address the challenges of a devolved governance structure.
14. To consolidate phytosanitary and seed quality regulations, the state established the Kenya Plant Health Inspectorate Service (KEPHIS) under the KEPHIS Act (Cap 349). KEPHIS was given the mandate to manage quality assurance for agricultural inputs and produce, intercept non-compliant imports, and support compliance with international sanitary requirements. However, as transboundary and migratory pests (like the desert locust or fall armyworm) grew more volatile due to changing climate patterns, Kenya required a modernized, singular statute to harmonize the execution of these powers across both levels of government.
15. The introduction of the **Plant Protection Bill, 2025** (National Assembly Bill No. 28) represents a major legislative overhaul designed to completely replace the legacy Cap 324

framework. It directly bridges the gap between Kenya's international commitments and its domestic constitutional realities.

2.3 RATIONALE FOR THE PLANT PROTECTION BILL, 2025

13. Globally, invasive pests destroy an estimated 40% of all food crops annually. In response to these escalating biological threats, premium import markets, most notably the EU, consistently impose increasingly stringent phytosanitary standards on agricultural entries. This heightened global biosecurity regime directly intersects with escalating vulnerabilities within Kenya. The convergence of expanded international trade, high-volume travel, changing climate patterns, and domestic agricultural intensification has drastically accelerated the frequency of novel pest incursions across the country.
14. The domestic imperative to mitigate these risks is anchored in the Kenya Agricultural Policy, 2021, which explicitly identifies plant pests as primary impediments to national agricultural productivity and mandates the development of robust regulatory procedures for their management. Despite this policy directive, the effective implementation of phytosanitary measures across Kenya continues to be severely hampered by structural vulnerabilities. These include inadequate phytosanitary monitoring and early-warning systems; insufficient human capital, technical infrastructure and financial resourcing and a weak legacy legal framework characterized by overlapping institutional mandates.
15. These systemic gaps have had devastating cascading impacts on Kenya's agriculture, biodiversity, national economy and international trade standing. Domestically, weak phytosanitary controls contribute to high crop mortality during active production, which then multiplies during the post-harvest phase due to poor storage, inadequate handling techniques and insufficient localized pest management. For high-value crops like fruits and vegetables, these combined production and post-harvest losses directly undermine national food security and rural livelihoods.
16. On the international stage, the presence of regulated plant diseases and pests in Kenya's export consignments triggers severe trade restrictions and catastrophic losses of lucrative market access. A critical contemporary example is the threat posed by the False Codling Moth (*Thaumatotibia leucotreta*, FCM), which has introduced significant regulatory bottlenecks for Kenya's multi-billion-shilling floriculture sector, particularly regarding compliance with stringent EU phytosanitary protocols for rose exports.
17. The Plant Protection Bill, 2025 establishes a modernized statutory architecture designed to overhaul Kenya's biosecurity framework. Its enactment is driven by the following necessities:
 - a) **Obsolescence of the Legacy Legal Framework:** The current primary legislation was enacted in 1937. Its subsequent revisions fail to address contemporary market realities, international trade demands or modern agricultural technologies. Crucially, the legacy Act lacks the clear procedural pathways and robust statutory powers required for enforcement agencies to mount swift, effective responses to contemporary biological threats.
 - b) **Escalating Pest Incursions and Emerging Threats:** Kenya faces a continuous and growing threat from regular incursions of novel, emerging plant pests, virulent plant diseases and highly destructive invasive species. These biological hazards present a clear danger to the country's agrarian ecosystems and food production systems.
 - c) **Global Market Integration and Phytosanitary Compliance:** As a major exporter of high-value horticultural produce to premium global markets, Kenya must strictly align its domestic laws with international standards. The Bill formalizes compliance with the World Trade Organization's Sanitary and Phytosanitary (WTO-SPS) Agreement and the

International Plant Protection Convention (IPPC). Failing to harmonize these standards risks exposing Kenyan agricultural exports to devastating non-tariff trade barriers, strict regulatory penalties, or outright market exclusion.

- d) **Climate Change and Biosecurity Vulnerabilities:** Climate change is actively altering the geographic distribution, vector behavior, and reproductive intensity of plant pests. To counter these shifts, the law must equip national institutions and County Governments with proactive legal tools to systematically prevent, monitor and manage climate-induced biosecurity risks.
- e) **Institutional and Regulatory Strengthening:** The enforcement powers, financial penalties and compliance mechanisms within the existing legal regime are inadequate to deter violations. This legislative review fundamentally strengthens regulatory oversight, product certification, border inspection protocols and statutory sanctions to ensure strict domestic and international compliance.
- f) **National Policy Coherence and Alignment:** The National Phytosanitary Policy (2023) explicitly identified critical regulatory gaps within Cap 324 and called for its replacement. Further, this Bill aligns plant health governance with Kenya's broader economic blueprints, specifically supporting the Agriculture Sector Transformation and Growth Strategy (ASTGS).
- g) **Enhancement of Seed Sector Performance:** This review directly fulfills the long-term strategic goals of the National Seed Policy 2010, which anticipated the overhaul of the Plant Protection Act (Cap 324) as a prerequisite for enhancing seed sector performance and guaranteeing genetic and phytosanitary purity.
- h) **Constitutional Alignment:** In accordance with the Fourth Schedule of the Constitution of Kenya, 2010, the Bill provides a clear legal architecture that maps out the distinct functions of the two tiers of government. It successfully balances the national government's exclusive mandate over border control and international trade with the county governments' devolved responsibilities for local agricultural enforcement and pest management.

2.4 COMPARATIVE ANALYSIS

- 15. **South Africa - Plant Health (Phytosanitary) Act 35 of 2024** was enacted to repeal the Agricultural Pests Act of 1983, realigning the country's biosecurity framework with international obligations under the WTO-SPS Agreement and the IPPC. The core of its provisions include:
 - a) **Governance Framework:** Directed by the Department of Agriculture, Land Reform and Rural Development (DALRRD) acting as the sovereign NPPO.
 - b) **Strategy & Mechanisms:** Utilizes strict import permit systems, mandatory Pest Risk Analyses (PRAs), and localized quarantine protocols to protect highly commercial agricultural zones.
 - c) **Distinctive Attribute:** Explicitly incorporates intellectual property and variety protection enforcement into biosecurity checkpoints. It establishes punitive measures against the illegal propagation, movement, or trade of patented or genetically modified (GM) crop seeds protected under Plant Breeders' Rights.

16. **Uganda - Plant Protection and Health Act, 2015** consolidates historical crop laws into a singular framework to protect rural smallholder livelihoods and regional East African trade. The core of its provisions include:
 - a) **Governance Framework:** Operated under the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), specifically through the Commissioner for Crop Protection.
 - b) **Strategy & Mechanisms:** Focuses heavily on border inspections, nursery certifications, and early warning reporting systems to safeguard food crops.
 - c) **Distinctive Attribute:** Features a dedicated statutory focus on managing "outbreak pests" (such as armyworms or banana bacterial wilt). The law grants broad government powers to enter private property and enforce compulsory eradication or containment when individual smallholders lack the technical or financial capacity to do so.
17. **Brazil - Decree No. 24,114 (Plant Health Defense) complemented by Law No. 14.515/2022 (Self-Control)** - Rooted in historical plant health defense decrees, Brazil's framework has evolved to manage one of the world's largest volumes of commodity exports (soy, corn, sugar). It is heavily augmented by Law No. 14.785/2023 (the modernized Pesticide and Bioinputs regulatory framework). The core of its provisions include:
 - a) **Governance Framework:** Led by the Ministry of Agriculture and Livestock (MAPA) through its Department of Plant Health and Inspection.
 - b) **Strategy & Mechanisms:** Enforces a rigid, mandatory Pest Risk Analysis (PRA) register for all imported plant material (seeds, grains, and vegetables), classifying items into specific risk categories. It also mandates strict chemical and bioinput registration overseen by an independent three-pronged evaluation process involving MAPA, ANVISA (Health), and IBAMA (Environment).
 - c) **Distinctive Attribute:** Implements a cutting-edge "Self-Control" model (Lei do Autocontrole, Law No. 14.515/2022). This mechanism legally shifts the day-to-day burden of executing standardized sanitary and phytosanitary checks directly onto certified private agricultural agents and exporters. MAPA transitions from performing primary, hands-on inspections to executing high-level, systemic auditing and oversight of these private compliance programs.
18. **United States — Plant Protection Act, 2000 (PPA)** - A massive consolidation statute that integrated ten separate legacy federal laws into a unified, powerful biological defense framework. The core of its provisions include:
 - a) **Governance Framework:** Executed at the federal level by the USDA's Animal and Plant Health Inspection Service (APHIS).
 - b) **Strategy & Mechanisms:** Governs both international imports and interstate agricultural traffic through strict permitting, border holds and data-driven pest tracking systems.
 - c) **Distinctive Attribute:** Grants the Secretary of Agriculture the statutory authority to declare an "Extraordinary Emergency." This federal declaration allows APHIS to completely override state-level legislation, seize and destroy intra-state agricultural commodities without local state consent, and immediately unlock specialized emergency funding reservoirs to neutralize critical biosecurity threats.
19. **Australia — Biosecurity Act 2015** - Replaced the historic *Quarantine Act 1908* to establish a border system suited to Australia's unique island ecology and isolated biodiversity. The core of its provisions include:
 - a) **Governance Framework:** Managed by the federal Department of Agriculture, Fisheries and Forestry (DAFF).
 - b) **Strategy & Mechanisms:** Operates on a highly sophisticated "Appropriate Level of Protection" (ALOP) risk model. Rather than focusing solely on border intercepts, it

applies strict risk-assessment and mitigation requirements well before cargo leaves its country of origin.

- c) **Distinctive Attribute:** Establishes highly flexible, legally enforceable Biosecurity Zones alongside a system of "Approved Arrangements." These arrangements allow registered private businesses to operate their own certified, off-border quarantine facilities, subject to civil penalties and criminal prosecution if biosecurity integrity is compromised.

20. European Union — Plant Health Regulation (EU) 2016/2031 - Formulates a binding, supranational framework designed to prevent pest entries while ensuring the frictionless movement of agricultural goods across the EU single market.

- a) **Governance Framework:** Coordinated by the European Commission, with field enforcement executed by the national competent authorities of each individual EU member state.
- b) **Strategy & Mechanisms:** Establishes an exhaustive, science-backed categorization system for "Union Quarantine Pests" and "Priority Pests," backed by strict border screening regimes.
- c) **Distinctive Attribute:** Replaces standard administrative tracing with the compulsory "Plant Passport" system, shifting legal accountability onto registered "Professional Operators." Any business breeding, moving, or selling plants must maintain documented, digitized traceability and actively self-report any pest presence, standardizing phytosanitary liability across an entire continent.

Country	Primary Statutory Framework	Enforcement Authority	Core Philosophy / Mechanism	Unique Regulatory Feature
South Africa	Plant Health Act 35 of 2024	DALRRD	Export preservation via global alignment.	Intersects biosecurity checkpoints with Plant Breeders' Intellectual Property Rights.
Uganda	Plant Protection & Health Act, 2015	MAAIF	Smallholder food security and livelihood protection.	Statutory focus on government-led mitigation of community-wide "outbreak pests."
Brazil	Decree 24,114 & Law 14.515/2022	MAPA	High-volume commodity protection via pre-market checks.	"Self-Control" Auditing Model, delegating primary verification tasks to certified private operators.
United States	Plant Protection Act, 2000	USDA-APHIS	Inter-state containment and federal border policing.	"Extraordinary Emergency" declarations that legally override state-level authority.
Australia	Biosecurity Act 2015	DAFF	Offshore risk reduction and strict island isolation.	Science-driven ALOP model utilizing off-border private "Approved Arrangements."
European Union	Regulation (EU) 2016/2031	European Commission	Supranational shared-market protection.	Universal "Plant Passport" system mandating self-regulation by "Professional Operators."

3.0 OVERVIEW OF THE PLANT PROTECTION BILL, 2025

3.1 INTRODUCTION

21. The Plant Protection Bill, 2025 establishes a modernized statutory framework to safeguard Kenya's agricultural biosecurity and facilitate safe international trade. Formally repealing the outdated *Plant Protection Act* (Cap 324), it provides proactive mechanisms to prevent, manage, and eradicate destructive plant pests and invasive pathogens. The Bill designates the Kenya Plant Health Inspectorate Service (KEPHIS) as the National Plant Protection Organization (NPPO), directly aligning domestic phytosanitary protocols with the International Plant Protection Convention (IPPC). Crucially, it harmonizes devolved governance by centring border control and export certification within the national government while empowering county governments to execute localized pest surveillance, enforcement, and plant clinic operations. Through integrated risk-mitigation measures, the Bill serves as a vital legislative intervention to guarantee domestic food security and protect Kenya's high-value agricultural exports from market exclusion.

3.2 OBJECTIVES OF THE BILL

22. The principal objective of the Bill is to provide a regulatory and institutional framework for the prevention of introduction, establishment and spread of plant pests, management of plant pests and facilitate safe trade in plants, plant products and other regulated articles; specifically, to:
 - (a) give effect to the International Plant Protection Convention by designating the National Plant Protection Organization;
 - (b) put in place measures to prevent the introduction, establishment and spread of pests through plants, plant products and other regulated articles being stored, moved, propagated, researched, cultivated or growing in the wild whether for commercial, imports or other purposes;
 - (c) guide the trade and movement of plants, plant products and other regulated articles; and
 - (d) provide for the management of pests including transboundary and migratory pests.

3.3 INSTITUTIONAL FRAMEWORKS PROPOSED IN THE BILL

23. The following are the primary institutional frameworks outlined in the Bill with their corresponding responsibilities:
 - (a) **The National Government** - Responsible for providing overarching policy direction on plant pest prevention, establishing mechanisms to coordinate the management of transboundary, migratory, and new pest incursions and building capacity for county governments and stakeholders.
 - (b) **County Governments** - Tasked with executing devolved agricultural functions, which include receiving and verifying local pest reports, advising farmers on pest management, undertaking localized pest surveillance and eradication, operating plant clinics, and enforcing phytosanitary measures prescribed by the National Government.
 - (c) **Kenya Plant Health Inspectorate Service (KEPHIS) / The National Plant Protection Organization (NPPO)** - The Bill formally designates KEPHIS as the official National Plant Protection Organization (NPPO) of Kenya for the purposes of the International Plant Protection Convention (IPPC). Its extensive enforcement mandate

includes issuing import permits and export phytosanitary certificates, conducting Pest Risk Analyses (PRAs), carrying out border and transit inspections, and prescribing universal phytosanitary controls. It is also designated as the official Contact Point for the Convention and the National Enquiry Point on all plant health matters.

- (d) **The Kenya Technical Committee on Biological Articles and Control Agents** - A specialized, multi-agency technical committee established to facilitate scientific risk assessments regarding the importation, exportation, local production and commercial use of biological articles and control agents. It is responsible for evaluating bio-fertilizers, biopesticides, soil conditioners and organic fertilizers and making registration recommendations to KEPHIS. KEPHIS provides the secretariat services for this committee.
- (e) **National and County Plant Health Emergency Response Committees** - The National Committee is tasked with developing and coordinating a national plant health emergency response plan, mobilizing resources and advising the Cabinet Secretary on the containment and eradication of sudden pest outbreaks. The County Committees are established in consultation with the Service for localized contingency planning, determining local pests of concern and handling rapid response strategies within their respective boundaries.
- (f) **Designated Plant Quarantine Stations and Laboratories** - The Bill formally designates the Kenya Plant Health Inspectorate Service Plant Quarantine and Biosecurity Station as the official Plant Quarantine Station of Kenya. It also empowers the Service to establish official diagnostic and quality assurance laboratories, while allowing County Governments to establish localized laboratories to execute their agricultural mandates.

3.4 REGULATORY FRAMEWORK

24. The regulatory framework is organized into six core components:

- (a) **Strict Import and Entry Controls** - The Bill establishes a multi-layered defense system at designated border points to prevent the entry of biological threats. It provides that importers obtain both a valid Plant Import Permit from the Service and a Phytosanitary Certificate from the exporting country prior to entry, while legally requiring all arriving travelers and courier operators to declare any plant materials to avoid cargo interception. Further, the framework introduces centralized traceability through a mandatory Register of Importers to monitor supply chain biosecurity risks, backing these statutory controls with severe enforcement penalties for illegal importations, including custodial sentences or fines up to two million shillings or twenty percent of the consignment's value.
- (b) **Export Certification and Market Access** - To protect Kenya's horticultural reputation and prevent trade restrictions, the framework codifies strict export protocols. The Bill provides that all international commodities undergo rigorous pre-export testing by plant health inspectors to verify compliance with the importing nation's sanitary benchmarks. To accommodate modern commercial logistics, the legislation introduces official phytosanitary certificates alongside a new Phytosanitary Certificate for Re-Export, which permits bulk imported consignments to be split or repackaged domestically without losing their biological integrity. Crucially, any export consignment failing to satisfy these stringent contaminant or chemical residue thresholds faces strict statutory restrictions, authorizing the government to detain or destroy the non-compliant cargo entirely at the exporter's expense.

- (c) **Comprehensive Pest and Disease Risk Management** - The framework shifts away from ad-hoc responses, organizing pest management into proactive, data-backed categories. The Bill provides that KEPHIS executes scientific Pest Risk Analyses (PRAs) for all imports and biological agents. It establishes legal pathways to classify and publish lists of "regulated pests," "new pests," or county-specific "pests of concern". The structural anchor of this framework is the designation of the Kenya Plant Health Inspectorate Service Plant Quarantine and Biosecurity Station as the official national center, which is supported by legally recognized offshore and private post-entry quarantine facilities. Finally, the legislation grants authorized officers' broad containment and eradication mandates to legally compel landowners or occupiers to execute prescribed pest management practices, failing which the state can clear the land at the occupier's expense.
- (d) **Specialized Border Surveillance and Biosecurity Measures** - Part V of the Bill introduces modern biosecurity protocols designed to target indirect pathways of pest introduction. It provides that all imported used vehicles, machinery and heavy equipment, whether whole or disassembled, undergo compulsory phytosanitary decontamination at the importer's cost before or upon arrival. Further, all wood packaging materials entering or leaving Kenya must be strictly treated and marked in accordance with global standards, while the Service is granted full powers to monitor transit and transshipment commodities to enforce risk-mitigation measures even if the cargo is destined for a foreign sovereign state.
- (e) **Early Warning and Emergency Response Frameworks** - To counter sudden biological incursions or migratory outbreaks, the Bill structures an agile emergency command network. The Bill establishes a National Plant Health Emergency Response Committee legally tasked with developing national emergency response plans, coordinating contingency frameworks, and mobilizing resources. The framework mandates mechanisms for early warning systems - incorporating data recording, rapid detection, and forecasting - to monitor transboundary and migratory pests. While the legislation permits the application of broad-spectrum pesticides to suppress migratory swarms, it introduces strict environmental buffers that explicitly ban their use in public or private water, visible standing water, populated areas, or county-excluded zones.
- (f) **Domestic Quality and Safety Assurance** - Beyond borders, the framework acts as an internal regulatory mechanism to optimize agricultural value chains. The Bill brings commercial plant nurseries and tissue culture facilities under mandatory plant health certification programs to ensure the sanitary purity of seedlings. It establishes a statutory framework for national or international organic certification and mandates the registration, facility approval and risk assessment of all locally produced or imported commercial bio-fertilizers, soil conditioners and bio-stimulants. Finally, the Service is given clear oversight to continuously monitor and test domestic, imported, and export agricultural produce for pesticide residues and heavy metal contaminants, feeding this data directly back into policy interventions and enforcement measures.

3.5 PROVISIONS OF THE BILL - CLAUSE BY CLAUSE

Part I — Preliminary

24. (Clauses 1-4) of the Bill provides for preliminary matters including the short title and interpretation of terms used in the Bill. It further sets out scope of application and objects of the Bill.

Part II— Responsibilities Relating to Plant Protection Matters

25. This part provides for the responsibilities of various entities relating to plant protection matters. It spells out the roles of National Government, County Governments and the Kenya Plant Health Inspectorate. It further provides for the Kenya Technical Committee on Biological Articles and Control Agents responsible for facilitating risk assessment for importation, exportation, local production and use of biological articles and control agents.
26. (Clauses 4-6) provides for the role of National and County governments under the Act in relation to plant protection matters.
27. (Clause 7-8) of the Bill designates the Kenya Plant Health Inspectorate Service as the National Plant Protection Organization of Kenya for purposes of the International Plant Protection Convention and outlines its functions in relation to section 5(a) of the Kenya Plant Health Inspection Act (Cap 349) as well as under the Bill.
28. (Clauses 9-10) of the Bill designates the Service as the contact point for the International Plant Protection Convention as well as the National Enquiry point on matters relating to plant protection and plant health
29. (Clauses 11-14) of the Bill establishes the Kenya Technical Committee on Biological Articles and Control Agents to facilitate risk assessment for importation, exportation, local production and use of biological articles and control agents. It further provides for the membership of the Technical Committee and the conduct of business and affairs of the Technical Committee and its secretariat.

Part III— Control of Plant, Plant Production and Other Regulated Articles

30. This part deals with the control of plant, plant products and other regulated articles, importation and exportation of plant, plant products and other regulated articles and specify the required approvals, permits and certification.
31. (Clause 15-24) of the Bill provides for registration of importers, importation through designated points, plant importation permit and biological import permit. It also provides for registration of importers, plant import register, declaration of consignment, register of exporters phytosanitary certification and certificates and the consequences of non-compliance.

Part IV— Management of Plant Pests

32. This part provides for the management of plant pests, provisions on prohibition of introduction of pests, establishment of plant quarantine stations and obligations relating to new pests and pests of concerns. It further makes provision for pest management measures and containments applicable under the Bill.
33. (Clauses 25-37) of the Bill provides for prohibition on introduction of pests, pest risk analysis, phytosanitary risk assessment, plant quarantine stations and designation of quarantine stations. It further provides for declaration of a new pest concern, publication of information on occurrence of a new pest and the duty to report, pest management measures, pest free areas and containment measures to prevent spread of regulated pests or pests of concern in the country.

Part V— Boarder Surveillance, Control and Monitoring

34. This part deals with border surveillance, control and monitoring. It makes provision for border surveillance, inspection of consignments and phytosanitary decontamination of used vehicles, machinery and equipment.
35. (Clauses 38-42) of the Bill provides for periodic boarder surveillance by the Service, inspection of all plants, plant products and other regulated articles at designated points of entry, monitoring during transportation and phytosanitary decontamination of used vehicles machinery and equipment.

Part VI— Emergency Response Measures

36. (Clauses 43-46) of the Bill contains provisions on emergency response measures. It establishes a National Plant Health Emergency Response Committee responsible for planning and management of plant heath emergencies at the national level and provides for the establishment of a County Plant Health Emergency Response Committee for contingency planning and management of plant health emergencies within a county.
37. (Clause 47) of the Bill provides for the conducting of pest surveillance to inform an appropriate phytosanitary action and the development and implement of early warning systems for effective emergency response within the county.

Part VII— Suppression of Noxious and Invasive Weeds or Plants

38. This part contains provisions on suppression of noxious and invasive weeds or plants.
39. (Clause 48-50) of the Bill provides gives the Cabinet Secretary powers to declare a plant or weed to be noxious, invasive weed or plant by notice in the gazette. It also bestows a duty on responsible persons to declare noxious or invasive weed or plants and powers to order person to clear with noxious or invasive weed or plants.

Part VIII— Management of Transboundary and Migratory Pests

40. (Clauses 51-53) of the Bill mandates the Cabinet Secretary in consultation with the Service to put in place mechanisms for early warning for migratory pests, reporting of an occurrence of migratory pests by an occupier or owner of land and the management of migratory pests.

PART IX –Control of Wood Packaging Materia

41. (Clause 54) of the Bill provides for the manner in which any wood packaging material whether imported or exported is to be treated and marked.

PART X —Plant Health and Safety Assurance

42. (Clauses 55-61) of the Bill deals with plant health and safety assurance. It provides for establishment of laboratories to undertake quality assurance functions, sets out controls for organically produced plants or plant product, nursery and tissue culture facilities, pests under research and monitoring of pesticide residues and heavy metal contaminants.

PART XI —Inspectors and Laboratory

43. (Clauses 62-66) of the Bill provides for appointment of Plant Inspectors by the Service, appointment of County Plant Health Inspectors, powers of the inspectors, consequences of obstructing the inspectors from performing the duties and appointment of laboratory analysts by the Service.

PART XII—Miscellaneous Provisions

44. (Clauses 67-72) of the Bill contain provisions on fees and charges, general penalty, dispute resolution, protection from personal liability, phytosanitary investigations and use of unregistered pest control products.

PART XIII-Provisions on Delegated Powers

45. (Clause 73) of the Bill gives the Cabinet Secretary in consultation with the Service and the County Governments powers to make regulations for better carrying into effect the provisions of the Bill.

PART XIV- Repeal, Savings and Transitional Provisions

46. (Clauses 74 &75) of the Bill contain provisions on repeal of Cap. 324.

4.0 PUBLIC PARTICIPATION / STAKEHOLDERS CONSULTATION

47. Following the call for memoranda from the public through placement of advertisements in the print media on **15th August 2025** and vide a letter REF: **NA/DDC/A&L/2026 (035)** dated 21st April 2026 inviting stakeholders for a meeting, the Committee received memoranda from the following stakeholders:

- 1) The State Department for Agriculture
- 2) Kenya Plant Health Inspectorate Service (KEPHIS)
- 3) Kenya Agricultural & Livestock Research Organization
- 4) The Kenya Bureau of Standards (KEBS)
- 5) The Kenya Seed Company
- 6) Seed Trade Association of Kenya
- 7) Pests Control and Produce Board
- 8) The Agrochemicals Association of Kenya (AAK)

48. The stakeholders submitted as follows:

4.1 The State Department for Agriculture

49. The Principal Secretary for the State Department for Agriculture submitted as follows:

50. The Bill seeks to create a comprehensive legal framework for the protection of plants and plant products from pests and diseases, to ensure food security, support sustainable agriculture, and facilitate safe international trade.

51. Kenya continues to be a leading source of agricultural products imported by various countries. Kenya also has a robust export sector but stringent sanitary and phytosanitary requirements for market access has impeded penetration to some of these markets. The Bill provides provisions that strengthen market access and phytosanitary certification for increased international trade.

52. The current Plant Protection Act, Cap 324 was enacted in 1937 and was last reviewed in 1972. Since then, there have been significant changes in plant health sector both locally and internationally. This has created the need to update the current legislation to align to the need of the 21st century and anchor provisions that have been in practice that are not well provided for in law. The Bill has also provided for articles that address key phytosanitary provision and measures.

53. The Plant Protection Act, Cap 324 of 1937 has not been aligned to important international provisions. The bill provides for the alignment of the legislation to the international requirements such as designation of Kenya's National Plant Protection Organization, contact point and enquiry point a major requirement by the International Plant Protection Convention (IPPC). The Bill also defines the role of the KEPHIS in line with the international requirements.

54. With the promulgation of Kenya's Constitution, 2010 which provided for devolution of agriculture, the coordination of plant health management in Kenya remains unclear as the present legislation has not provided clarity among different actors including the National Government and County Government. This has greatly affected effective early warning system and plant health management by the various players at the County and National Governments. The Bill now delineates the roles of both National and County Governments in promoting plant health and will enhance collaboration between the two levels of Governments.

55. The Bill is structured into different parts and articles as follows:
56. **Part I. Preliminary:** This part has defined the key terms and has provided the scope and objects of the Act to provide legal clarity and context in the implementation of the Bill.
57. **Part II. Responsibilities relating to plant protection:** Plant protection is currently being undertaken by different players as well as different levels of government as defined by the Constitution. Therefore, this part of the Bill has provided the function undertaken by the National Government, County Governments and Kenya Plant Health Inspectorate Service (KEPHIS) which is the designated National Plant Protection Organization, the contact and enquiry point as required by the International Plant Protection Convention (IPPC).
58. The Bill establishes the Kenya Technical Committee on Biological Articles and Control Agents which shall undertake risk assessment to mitigate the risk on introduction of harmful organism and to support use and registration of biological products. The committee is chaired by the Ministry of Agriculture and has membership from public and private sector. The committee has not been provided for in the current legislation.
59. **Part III. Control of plants, plant products and other regulated articles:** Importation of plant, plant product and other regulated article have the risk of introduction of harmful pests and diseases. This part provides for mechanism to prevent introduction of pest through importation and defines the requirement for issuance of plant import permits, biological import permits and declarations at designated points of entry. This part also provides for phytosanitary measures to be followed to ensure Kenyan exports follow the international market requirements. It defines phytosanitary inspection, issuance of certificate and management of non-compliance.
60. **Part IV. Management of plant pests:** Increase in global trade, climate change, exchange of germplasm and need for research has led to the risk of introduction and spread of the harmful organisms. This part provides for prohibition of deliberate introduction of pests and diseases and provides for evaluation of risk of introduction of harmful pests through pest risk analysis and phytosanitary assessments for biological control agents. This part also provides for designation of a national plant quarantine stations and establishment of post-entry quarantine facilities to support in mitigating introduction of pests and diseases while supporting germplasm exchange. This part further defines mechanisms for declaring a new pest by KEPHIS and the County government, providing for obligation before publication of new pest occurrence and reporting of unknown pests by the farmer or landowner, management of pest and diseases, containment measures in case of pest outbreak and creation of pest free areas to facilitate trade.
61. **Part V. Border surveillance, control and monitoring:** This part provides for border surveillance to monitor unauthorized imports. This part also provides for phytosanitary inspection of plants, plant products and other regulated articles being imported through the border to prevent introduction of pests and diseases. The part further provides for inspection of conveyance or vessels as well as requirements for phytosanitary decontamination of used vehicles, machinery and equipment which were not provided for in the current Act, as this is a new international requirement.
62. **Part VI. Emergency response measures:** Kenya has encountered several pest incursions in the last two decades leading to adverse effect on agriculture and the environment.

Management of pests and diseases requires a collaborative approach by both National and County Governments and other actors. This part provides for the situation where emergency measures can be imposed once phytosanitary risks are identified. It proposes for the establishment of both the National and County Plant Health Emergency Response Committees and defines the specific roles of both committees in planning and management of plant health emergencies at both the National and County Government levels. This part also provides guideline for undertaking pest surveillance and early warning systems to establish the status of the pests in the country.

63. **Part VII. Suppression of noxious and invasive weeds:** This part provides for declaration and suppression of noxious and invasive species. The part further defines the responsibilities to land occupiers and owners to report the occurrence of noxious weeds and apply appropriate measures for their management. It also empowers authorized officers to eradicate and offer technical support in the management of the noxious weeds. Some examples of noxious weeds include the water hyacinth, parthenium, Opuntia and dodder which have caused significant economic losses to agriculture and other economic activities.
64. **Part VIII. Management of Trans - boundary and migratory pests:** This part provides for the management of Transboundary and Migratory Pests. It provides for the implementation of mechanisms for putting in place systems for early warning which includes; monitoring and detection, capacity building for data collection, development of tools for communities to respond to the emergencies and actual management of the pests. These pests have the potential to cause significant economic losses. Some migratory pests in Kenya include desert locusts, army worms and *Quelea Quelea* birds.
65. **Part IX. Control of wood packaging material:** Wood packaging used during trade have been identified as a potential pathway for the introduction of forest pests. This part provides for mechanism which includes treatment and marking of wood packaging used in international trade.
66. **Part X. Plant health and safety assurance:** This part provides for the establishment of laboratories at National, County and by KEPHIS to undertake analysis, testing, diagnosis and quality assurance. It provides for designation and certification of laboratories. It also provides for the phytosanitary treatment, use of pest under research, certification of nursery and tissue culture facilities, and certification of organically produced plant products. The part finally provides for monitoring of pesticide residues and heavy contaminants to ensure compliance with both national and international requirements.
67. **Part XI. Inspectors and laboratory analysts:** This part provides for appointment and clearly defines the role of KEPHIS Inspector and Inspector at the County level. It provides for gazettelement of the inspector which was not provided for in the current Act. It provides for the power of the Inspector in implementing this Act. The part also provides for appointment of laboratory analysts.
68. **Part XII. Miscellaneous provisions:** This part provides for provisions not included in the main Act which include power to levy fees and charges, general penalty, dispute resolution, personal liability of officers and provide for phytosanitary investigation for compliance to export requirements
69. **Part XIII. Provision on delegated powers:** This part provides for enactment of regulation to support in the implementation of the Act

70. **Part XIV. Repeals, savings and transitional provisions:** This part provides for repealing the previous Act while preserving licenses, statutory instruments and existing contractual obligations done under the repealed law. This part will assure stakeholders of the smooth transition of the Bill during enactment.

71. **Financial implications:** The enactment of the Bill shall not occasion additional expenditure of public funds.

72. The State Department concluded that the Plant Protection Bill, 2025 is a legal instrument that will modernize Kenya's phytosanitary framework. Its enactment will provide clarity in handling plant health matters in the country hence protecting the agricultural sector from introduction of pest and diseases, boost our economy by facilitating safe trade, and ensure sustainable food security. The Bill does not overlap with mandate from other agencies. Further, the service will be develop Regulations which will be gazetted to breathe life to the Bill once enacted.

4.2 Kenya Plant Health Inspectorate Service (KEPHIS)

73. The Kenya Plant Health Inspectorate Service (KEPHIS) reiterated the submission made by the State Department for Agriculture in section 4.1 above

4.3 Kenya Agricultural & Livestock Research Organization

74. Ms. Alice Murage, on behalf of the Director General of the Kenya Agricultural & Livestock Research Organization (KALRO), appeared before the Committee on 28th April 2026 and submitted the following recommendations for consideration:

No.	Section	Provisions in the Bill	Amendment	Justification
1)	Definitions	"Regulated pest" means a pest of potential economic importance to Kenya, whether absent or if present not widely distributed, that is controlled by the Service	"Regulated pest" means a pest of potential economic importance to Kenya, whether absent or if present not widely distributed, that is controlled by the Service	Delete the word "the" appearing before "Kenya" for grammatical correctness
2)	Section 6 (g) Role of County Governments	(g) establishing and operating plant clinics	(g) establishing and operating plant clinics in partnership with crop health experts from KALRO and other research organizations	The clinics should be implemented and established jointly with KALRO since KALRO can provide technical backstopping on the operations within the clinics
3)	Section 57 (i) Control of regulated pests under research,	No person shall carry out research on regulated pests or articles without the approval of the Service.	No person shall carry out research on regulated pests or articles without the approval of the Service "unless	This clause contradicts the KALRO's mandate under the KALR Act to undertake

			authorized under the law"	research on Crops and livestock health, add at the end of the clause- to avoid the contradiction
4)	Section 51 - Early warning systems for migratory pests	The Cabinet Secretary shall, in consultation with the Service, put in place mechanisms for early warning systems for migratory pests which mechanisms shall include	The Cabinet Secretary shall, in consultation with the Service, put in place mechanisms for early warning systems for migratory pests which shall include	Delete the word "Mechanisms" appearing before "shall"
5)	Section 52 Reporting of migratory Pests	An occupier or owner of a land that is infested with any developmental stage egg, larvae, hoppers or adults of migratory pests shall report its occurrence to an authorised officer in the prescribed manner.	An occupier or owner of a land that is infested with any pest developmental stage egg, larvae, hoppers or adults of migratory pests shall report its occurrence to authorised officer in the prescribed manner.	Add the word "Pest" after any for clarity

4.4 The Kenya Bureau of Standards (KEBS)

74. The Kenya Bureau of Standards (KEBS) Managing Director, Ms. Esther Ngari submitted that after reviewing the Plant Protection Bill (National Assembly Bill No. 28 of 2025), KEBS had no objection to Bill as drafted.

4.5 The Kenya Seed Company (KSC)

75. Mr. Sammy K Chepsiror, the Managing Director at the Kenya Seed Company appeared before the Committee on 28th April 2026 and submitted as follows:

- a) On institutional coordination, the Bill provides for the establishment of a Plant Protection Service (KEPHIS). KSC welcomed this as long as there is no overlap between this Service (KEPHIS), the Pest Control Products Board (PCPB), Kenya Bureau of Standards (KEBS) and the County Governments. The mandate should be clearly delineated between agencies to avoid duplication.
- b) On alignment with Seed Certification Systems, the Bill does not reference integration with existing Seed Certification and Variety Release systems under the Seed and Plant Varieties Act. Include provisions for collaboration between the proposed Plant Protection and Seed Certification to ensure pest management and plant health are integrated within the seed value chain.
- c) On Pest and Disease Emergency Response Fund, provision for financing mechanisms are proposed through government allocation and private sector contributions to enable rapid containment of transboundary pests (e.g., Fall Armyworm, MLN, locusts).

- d) Private Sector and Research Collaboration, the Bill emphasizes government-led interventions. There is need to incorporate private sector and research institutions in pest surveillance, seed health testing, and dissemination of resistant varieties.
 - e) On Capacity Building and Extension, implementation success depends on trained personnel and awareness among growers and seed producers. Provide for collaboration with seed companies and extension services in capacity building on pest diagnostics, surveillance, and biosecurity.
76. The KSC concluded by commending Parliament for reviewing and strengthening the legal framework governing plant protection. The Company reaffirmed its commitment to supporting national efforts in plant health, food security and agricultural transformation. Further, it urged that stakeholder consultations continue during the formulation of regulations to ensure practical, science-based and industry-supported implementation.

4.6 Seed Trade Association of Kenya

77. Mr. Stephen Kamau, a Board Member at the Seed Trade Association of Kenya, appeared before the Committee on 28th April 2026 and submitted that the association aligns with the submission made by the Kenya Seed Company.

4.7 Pests Control and Produce Board

78. Ms. Grace Muchemi, the then-Acting Chief Executive Officer of the Pest Control Products Board (PCPB), appeared before the Committee on 28th April 2026 and submitted that the Plant Protection Bill, 2025, is a timely and vital legislative intervention. She asserted that the enactment of the Bill would significantly enhance the board's collaborative and operational working relationship with the Kenya Plant Health Inspectorate Service (KEPHIS), fostering a more cohesive approach to national biosecurity and plant health management.

4.8 The Agrochemicals Association of Kenya (AAK)

79. Mr. Joel Mutai, the Chief Executive Officer of the Agro-Chemicals Association of Kenya (AKAK), appeared before the Committee on 28th April 2026 and welcomed the Plant Protection Bill, 2025, characterizing it as a milestone legislative framework for the agricultural sector. He noted that by aligning national protocols with internationally recognized regulations and standards, the Bill would effectively dismantle non-tariff barriers and open up lucrative global export markets for Kenyan farmers.

5.0 COMMITTEE OBSERVATIONS

80. The Committee, after a rigorous and comprehensive examination of the Bill, observed that the enactment of the Plant Protection Bill (National Assembly Bills No. 28 of 2025) represents a watershed moment for the Republic's agricultural sector. The potential benefits include:
- 1) **Incorporation of global and regional best practices** - The Plant Protection Bill, 2025 represents a comprehensive synthesis of contemporary international best practices within the phytosanitary sector. By benchmarking against advanced regulatory frameworks locally, regionally, and globally, the Bill transitions Kenya's biosecurity framework away from reactive control measures toward a highly proactive, science-driven defense posture.
 - 2) **Resolution of statutory obsolescence and legislative gaps** - The Bill directly addresses contemporary market realities, agricultural innovations and commercial demands that have emerged since the mid-20th century. By laying the foundation for a progressive, legally resilient statutory architecture, this legislative intervention systematically resolves the significant enforcement gaps, inadequate penalty structures, and procedural limitations that historically weakened the legacy Plant Protection Act (Cap 324).
 - 3) **Institutional optimization and global trade security** - By formally designating the Kenya Plant Health Inspectorate Service (KEPHIS) as the nation's singular National Plant Protection Organization (NPPO), the Bill institutionalizes Kenya's compliance obligations under the International Plant Protection Convention (IPPC) and related international phytosanitary standards. This statutory alignment provides Kenya with a robust, legally verifiable foothold in international commerce. Consequently, it secures uninterrupted market access for Kenyan agricultural exports while systematically mitigating the risks of non-tariff trade restrictions, cargo rejections and sudden market exclusion.
 - 4) **Separation of executive enforcement and advisory mandates** – The Bill establishes a clear separation of powers between day-to-day regulation and technical oversight:
 - a) **Executive enforcement mandate:** KEPHIS retains exclusive, direct regulatory and enforcement powers regarding border surveillance, plant health inspections, seed certification and quarantine controls.
 - b) **Advisory mandate:** Specialized technical committees, such as the Kenya Technical Committee on Biological Articles and Control Agents, are structured to maintain a broader advisory and evaluative posture. Such entities are restricted from exercising direct administrative or implementation powers, centring their mandates instead on risk assessment, policy formulation and high-level regulatory review.

6.0 COMMITTEE RECOMMENDATION

81. The Committee, having subjected the Plant Protection Bill (National Assembly Bills No. 28 of 2025) to exhaustive statutory review, comprehensive public participation and rigorous stakeholder scrutiny, acknowledges its strategic importance in modernizing the nation's biosecurity architecture and safeguarding the agricultural economy. Consequently, the Committee recommends that the House **approves the Bill**, subject to the incorporation of the amendments set forth in the Schedule under Chapter Seven of this Report.

7.0 SCHEDULE OF PROPOSED AMENDMENTS

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

CLAUSE 2

1. **THAT**, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the words “County Executive Committee Member”; and
- (b) by deleting the word “the” appearing immediately before the word “Kenya” in the definition of the phrase “regulated pest”.

Justification

- (a) *The Committee has substituted executive committee member with county government to put emphasis on the county government and not county executive committee members; and*
- (b) *To correct a typographical error.*

CLAUSE 5

2. **THAT**, Clause 5 of the Bill be amended by inserting the following new paragraph immediately after paragraph (1)—

“(d)undertake research on emerging pests and their effect on plants and environment.”

Justification

To expressly include the function of research on pests and their effects as a function of the National Government.

CLAUSE 6

3. **THAT**, Clause 6 of the Bill be amended by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) establishing and operating plant clinics in partnership with crop health experts from Kenya Agricultural Livestock Research Organization and other research organizations;”

Justification

To incorporate the professional and technical input of KALRO and other research institutions on the establishment and operations of plant clinics.

CLAUSE 12

4. **THAT**, Clause 12 of the Bill be amended —

- (a) by deleting paragraph (k) and substituting therefor the following new paragraph—
“(i)one person, with relevant technical expertise, representing the Council of Governors;”
- (b) by deleting paragraph (k) and substituting therefor the following new paragraph—
“(k)two persons with relevant expertise representing agrochemical dealers and the farmers nominated by the national umbrella bodies;”

Justification

- (a) *To ensure that the persons incorporated in the Technical Committee have the requisite technical expertise; and*

(b) To specify the two members to represent the private sector.

CLAUSE 31

5. **THAT**, Clause 31 of the Bill be amended in subclause (2) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 34

6. **THAT**, Clause 34 of the Bill be amended by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 37

7. **THAT**, Clause 37 of the Bill be amended—
- (a) in subclause (1) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government” and
 - (b) in subclause (2) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 51

8. **THAT**, Clause 51 of the Bill be amended by deleting the word “mechanisms” appearing immediately after the word “which” in the opening statement

Justification

To correct grammatical error.

CLAUSE 52

9. **THAT**, Clause 52 of the Bill be amended by inserting the word “pest,” immediately after the word “any”.

Justification

To provide clarity.

CLAUSE 57

10. **THAT**, Clause 57 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—
- “(1) No person shall carry out research on regulated pests or articles without the approval of the Service unless authorized under the law.”

Justification

To ensure that the mandate of the Service does not contradict the mandate of KALRO and other institutions mandated by law to undertake research.

SIGNED: DATE: 16/06/2026

HON. (DR.) JOHN KANYUITHIA MUTUNGA, PhD, CBS, MP

CHAIRPERSON,

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

 THE NATIONAL ASSEMBLY PAPERS LAID	
DATE: 16 JUN 2026	
DAY: Tuesday	
TABLED BY:	Hon. (Dr.) John Mutunga (Chairperson, Agriculture & Livestock Committee)
CLERK-AT THE-TABLE:	Kornale

THE NATIONAL ASSEMBLY
 PARLIAMENTARY SECRETARY
 DATE: 18 JUN 2000
 DAY:
 TIME:
 PLACE:
 TOPIC:

Annexure I: Report Adoption Schedule

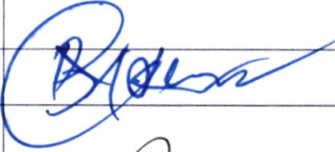
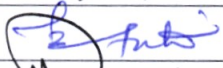
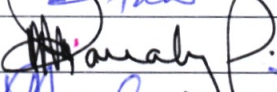
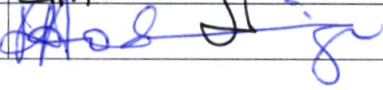


THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ADOPTION SCHEDULE

We, the undersigned Honorable Members of the Departmental Committee on Agriculture and Livestock today, Saturday, 13th June 2026 do hereby affix our signatures to this **Report on the Plant Protection Bill, 2025 (National Assembly Bill No. 28)** to affirm our approval and confirm its accuracy, validity and authenticity:

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

Annexure 2: Minutes



THIRTEENTH PARLIAMENT - FOURTH SESSION - 2025

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 37TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON THURSDAY, 25TH SEPTEMBER 2025 IN COMMITTEE ROOM 14, 2ND FLOOR, BUNGE TOWERS, PARLIAMENT BUILDINGS AT NOON

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP | - | Chairperson |
| 2. Hon. Brighton Leonard Yegon, MP | - | Vice-Chairperson |
| 3. Hon. Geoffrey Makokha Odanga, MP | | |
| 4. Hon. Justice Kipsang Kemei, MP | | |
| 5. Hon. David Kiplagat, MP | | |
| 6. Hon. Yussuf Mohamed Farah, MP | | |
| 7. Hon. Patrick Kibagendi Osero, MP | | |
| 8. Hon. John Okwisa Makali, MP | | |

ABSENT WITH APOLOGY

1. Hon. Sabina Wanjiru Chege, CBS, MP
2. Hon. Ferdinand Kevin Wanyonyi, MP
3. Hon. Jared Odoyo Okelo, MP
4. Hon. Lawrence Mpuru Aburi, MP
5. Hon. Gabriel Gathuka Kagombe, MP
6. Hon. Monicah Muthoni Marubu, MP
7. Hon. Ruth Adhiambo Busia Odinga, MP

IN ATTENDANCE

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|-----------------------------|
| 1. Mr. Nicodemus Maluki | - | Clerk Assistant I |
| 2. Mr. Victor K. Kilimo | - | Clerk Assistant III |
| 3. Mr. Gerald Kadede | - | Legal Counsel II |
| 4. Mr. Shadrack Musyoki | - | Senior Research Officer |
| 5. Ms. Edith Chepgeno | - | Media Relations Officer III |
| 6. Mr. Danton Kimutai | - | Audio officer |
| 7. Ms. Jacinta Maru | - | Serjeant-at-Arm |
| 8. Ms. Teresia Macharia | - | Intern |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. Matters Arising
5. Confirmation of Minutes
6. **Consideration of the Pending Business before the Committee.**
7. Any other Business
8. Adjournment/Date of the Next Sitting

MIN. NO. NA/A&L/2025/160:

PRELIMINARIES/ADOPTION OF THE AGENDA

The Chairperson called the meeting to order at twelve o'clock. Hon. Yussuf Mohamed Farah, MP, prayed.

The Agenda was adopted as proposed by Hon. Justice Kipsang Kemei, MP, and seconded by Hon. David Kiplagat, MP.

MIN. NO. NA/A&L/2025/161:

CONFIRMATION OF MINUTES

The Minutes of the previous sittings were confirmed as follows:

1. The Minutes of the **24th Sitting** held on **Tuesday, 22nd July 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. David Kiplagat, MP and the Hon. John Okwisa Makali, MP respectively.
2. The Minutes of the **25th Sitting** on **Friday, 25th July 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Yussuf Mohamed Farah, MP and the Hon. David Kiplagat, MP respectively.
3. The Minutes of the **26th Sitting** on **Friday, 25th July 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. David Kiplagat, MP and the Hon. Yussuf Mohamed Farah, MP respectively.
4. The Minutes of the **27th Sitting** on **Saturday, 26th July 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Patrick Kibagendi Osero, MP and the Hon. Geoffrey Makokha Odanga, MP respectively.
5. The Minutes of the **28th Sitting** on **Saturday, 26th July 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Yussuf Mohamed Farah, MP and the Hon. Brighton Leonard Yegon, MP respectively.
6. The Minutes of the **29th Sitting** on **Thursday, 7th August 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. John Okwisa Makali, MP and the Hon. David Kiplagat, MP respectively.

7. The Minutes of the **30th Sitting on Thursday, 14th August 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Brighton Leonard Yegon, MP and the Hon. David Kiplagat, MP respectively.
8. The Minutes of the **31st Sitting on Friday, 15th August 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Justice Kipsang Kemei, MP and the Hon. Brighton Leonard Yegon, MP respectively.
9. The Minutes of the **32nd Sitting on Friday, 15th August 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Justice Kipsang Kemei, MP and the Hon. David Kiplagat, MP respectively.
10. The Minutes of the **33rd Sitting on Saturday, 16th August 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Justice Kipsang Kemei, MP and the Hon. David Kiplagat, MP respectively.
11. The Minutes of the **34th Sitting on Saturday, 16th August 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. David Kiplagat, MP and the Hon. Justice Kipsang Kemei, MP respectively.
12. The Minutes of the **35th Sitting on Tuesday, 26th August 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Yussuf Mohamed Farah, MP and the Hon. David Kiplagat, MP respectively.
13. The Minutes of the **36th Sitting on Tuesday, 26th August 2025** were confirmed as true record of the proceedings having been proposed and seconded by the Hon. Justice Kipsang Kemei, MP and the Hon. John Okwisa Makali, MP respectively.

MIN. NO. NA/A&L/2025/162:

CONSIDERATION OF THE PENDING BUSINESS BEFORE THE COMMITTEE

Members were notified to pay attention of the pending business before the committee as highlighted on the agenda notice.

MIN.NO.NA/A&L/2025/163:

LEGAL BRIEF ON THE PLANT PROTECTION BILL, 2025 (NATIONAL ASSEMBLY BILLS NO. 28)

The legal Counsel took the Committee through the provisions of the Plant Protection Bill, 2025 (National Assembly Bills No. 28). The Committee was informed as follows;

The Bill seeks to provide a regulatory and institutional framework for the prevention of introduction, establishment and spread of plant pests, management of plant pests; facilitation of safe trade in plants, plant products and other regulated articles.

The Bill is enacted pursuant to the International Plant Protection Convention (IPPC) which is a multilateral agreement deposited by with the Agriculture and Food Organization (FAO). The treaty is for plant protection established to prevent the introduction and spread of plant pest and to facilitate safe trade and protect biodiversity and food security.

MIN. NO. NA/A&L/2025/164: ANY OTHER BUSINESS

Under this agenda item raised the following issues:

1. Inspection / Site Visits

The Committee resolved to set aside Thursday morning during the Second Quarter 9 October – December 2025 to conduct inspection visits to State Agencies and Government Authorities (SAGAs) within **Nairobi and Kiambu Counties** in fulfillment of its oversight mandate. To enhance efficiency in coordination and movement, the Committee will utilize pooled transport. The Committee further resolved that the inspection visits will commence with **KEVAVAPI** and **KEPHIS**.

2. Pending Issues with the Ministry

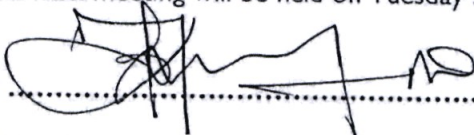
The Committee reiterated its concern regarding pending issues with the Ministry of Agriculture and Livestock that are yet to be addressed comprehensively, arising from statements raised in the House. Key among the unresolved matters are:

- The tea bonus differences;
- The increase in maize seed prices by Kenya Seed Company; and
- The ongoing sugar sector reforms, including the lease agreements of state-owned

MIN. NO. NA/A&L/2025/165:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at thirty-seven minutes past twelve O'clock. The next meeting will be held on Tuesday 30th September 2025 at 10.00am.

SIGNED:  DATE: 17/02/2026

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



THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 19TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD ON TUESDAY, 28TH APRIL 2026 IN COMMITTEE ROOM 18/19, BUNGE TOWER, PARLIAMENT BUILDING AT 10:00 AM

PRESENT

- | | | |
|---|---|-------------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP | - | Chairperson |
| 2. Hon. Brighton Leonard Yegon, CBS, MP | - | Vice-Chairperson |
| 3. Hon. David Kiplagat, MP | | |
| 4. Hon. Jared Odoyo Okelo, MP | | |
| 5. Hon. Patrick Kibagendi Osero, MP | | |
| 6. Hon. Ruth Adhiambo Busia Odinga, MP | | |

APOLOGIES

1. Hon. Sabina Wanjiru Chege, CBS, MP
2. Hon. Ferdinand Kevin Wanyonyi, MP
3. Hon. Geoffrey Makokha Odanga, MP
4. Hon. Justice Kipsang Kemei, MP
5. Hon. Lawrence Mpuru Aburi, MP
6. Hon. Gabriel Gathuka Kagombe, MP
7. Hon. Monicah Muthoni Marubu, MP
8. Hon. Yussuf Mohamed Farah, MP
9. Hon. John Okwisa Makali, MP

COMMITTEE SECRETARIAT

- | | |
|-----------------------------|-------------------------|
| 1. Mr. Dennis Ogechi | Clerk Assistant I |
| 2. Mr. Victor K. Kilimo | Clerk Assistant III |
| 3. Ms. Evelyn Orina | Clerk Assistant III |
| 4. Mr. Gerald Kadede | Legal Counsel II |
| 5. Mr. Shadrack Musyoki | Senior Research Officer |
| 6. Ms. Jacinta Maru | SAA |
| 7. Ms. Gift Kitonga | Audio Officer |
| 8. Mr. Fredrick Juma Oketch | Intern |

MAJORITY LEADER'S OFFICE

- | | |
|-------------------|---------------|
| Mr. Gideon Letaya | Legal Counsel |
|-------------------|---------------|

STAKEHOLDERS PRESENT

KENYA PLANT HEALTH INSPECTORATE SERVICES

- | | |
|-----------------------|---|
| 1. Mr. Simon Maina | Director, Seed Certification and Plant Variety |
| 2. Mr. George Momanyi | Deputy Director, Import, Export, and Border Control |

3. Dr. Isack Macharia Director, Phytosanitary and Bio Security

KENYA AGRICULTURE AND LIVESTOCK RESEARCH ORGANIZATION

1. Ms. Alice Murage Deputy Director General, Crops
2. Ms. Nancy Njeru Assistant Director, Crops Health
3. Ms. Brenda Waithaka Assistant Director, Legal Services

PESTS CONTROL AND PRODUCE BOARD

Ms. Grace Muchemi Ag. Chief Executive Officer

KENYA SEED COMPANY

1. Mr. Sammy K Chepsiror Managing Director
2. Mr. Joseph Kamau General Manager, Research and Development
3. Mr. Eric Tegei Quality Assurance Manager

SEED TRADERS ASSOCIATION OF KENYA

Mr. Stephen Kamau Board Member

STATE DEPARTMENT FOR AGRICULTURE

Mr. Daniel Mwithia Assistant Director, Agriculture

AGRO-CHEMICALS ASSOCIATION OF KENYA

Mr. Joel Mutai Chief Executive Officer

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. **Meeting with Stakeholders on the Plant Protection Bill (National Assembly Bill No. 28 of 2025)**
5. Any Other Business
6. Adjournment/Date of the Next Sitting

MIN.NO.NA/A&L/2026/086:

PRELIMINARIES/ADOPTION OF THE AGENDA

The Chairperson called the meeting to order at thirty minutes past ten O'clock. All persons present were allowed to do a self-introduction.

The agenda of the meeting was adopted having been proposed by Hon. Patrick Kibagendi Osero, MP and seconded by Hon. Ruth Adhiambo Busia Odinga, MP.

MIN.NO.NA/A&L/2026/087:

CONFIRMATION OF MINUTES

The agenda was deferred.

MIN.NO.NA/A&L/2026/088:

STAKEHOLDERS ENGAGEMENT ON THE PLANT PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2025)

The following are a summary presentation by the different stakeholders who appeared before the Committee:

a) Kenya Plant Health Inspectorate Services

Honourable Members were informed that the Plant Protection Bill, 2025 had been introduced to modernize Kenya's phytosanitary framework, replacing the outdated Plant Protection Act of 1937. It was reported that the Bill sought to safeguard plants and plant products against pests and diseases, thereby ensuring food security, supporting sustainable agriculture, and facilitating safe international trade.

It was further indicated that the Bill aligned national legislation with international obligations under the International Plant Protection Convention (IPPC), designating the Kenya Plant Health Inspectorate Service (KEPHIS) as the National Plant Protection Organization. Members were apprised that the Bill clarified the respective mandates of the National and County Governments in plant health management, thereby strengthening coordination of pest surveillance, emergency response, and phytosanitary certification.

The Committee was advised that the Bill provided for import controls, establishment of quarantine facilities, suppression of invasive weeds, and monitoring of pesticide residues to enhance market access. It was also reported that provisions had been made for border surveillance, laboratory certification, regulation of wood packaging material, and management of transboundary pests such as desert locusts and army worms.

Honourable Members were assured that the enactment of the Bill would not occasion additional expenditure of public funds. It was concluded that the Bill would provide clarity in plant health governance, strengthen Kenya's capacity to respond to pest incursions, and bolster the country's competitiveness in international trade, while safeguarding national food security.

b) Pests Control and Produce Board

Ms. Grace Muchemi the Ag. Chief Executive Officer informed the committee that the Bill was important and necessary and that the Bill would enhance their working relationship with the Kenya Plant Health Inspectorate Services

c) Kenya Agriculture and Livestock Research Organization

Ms. Alice Murage the Deputy Director General, Crops, informed members that KALRO had reviewed the Plant Protection Bill, 2025 and submitted recommendations for consideration. They reported that KALRO, is the country's premier agricultural research institution, and therefore emphasized the need to harmonize the Bill with its statutory mandate in crop and livestock research.

KALRO proposed several amendments to improve clarity and strengthen collaboration. Members were apprised that grammatical corrections were recommended in the definition of "regulated pest." It was further suggested that the role of County Governments in establishing plant clinics should be undertaken in partnership with KALRO and other research organizations, so as to provide technical backstopping.

The Committee was advised that KALRO sought to amend provisions restricting research on regulated pests, by inserting the phrase "unless authorized under the law," to avoid contradiction with its legal mandate. It also reported that minor textual adjustments were proposed in sections relating to early warning systems and reporting of migratory pests, to enhance precision and clarity.

The Committee were assured that these submissions were intended to strengthen the Bill, ensure consistency with existing legislation, and enhance the effectiveness of plant health management through collaboration between research institutions, the Service, and County Governments.

d) Agro-Chemicals Association of Kenya

Mr. Joel Mutai the Chief Executive Officer of the Agro-Chemicals Association of Kenya welcomed the Bill, stating that the Bill will open up export markets for farmers following the international recognized regulations and standards.

e) Kenya Seed Company

The Committee was informed that Kenya Seed Company Limited, a government-affiliated seed enterprise established in 1956, had welcomed the Plant Protection Bill, 2025 as a timely effort to modernize Kenya's plant health regulatory framework. It reported that the Company underscored its strategic role in seed development, production, and marketing, guided by both national legislation and international seed certification standards.

It further indicated that while the Company supported the overall objectives of the Bill, it emphasized the need for clear institutional coordination to avoid duplication of mandates among KEPHIS, the Pest Control Products Board, the Kenya Bureau of Standards, and County Governments. Members were apprised that the Company recommended integration of plant protection measures with existing seed certification and variety release systems under the Seed and Plant Varieties Act, so as to strengthen pest management within the seed value chain.

The Committee was advised that Kenya Seed Company proposed the establishment of a Pest and Disease Emergency Response Fund, financed through government allocations and private sector contributions, to enable rapid containment of transboundary pests such as Fall Armyworm and locusts. It was also reported that the Company urged inclusion of private sector and research institutions in pest surveillance, seed health testing, and dissemination of resistant varieties.

The Committee was further briefed that the Company stressed the importance of capacity building and extension services, recommending collaboration with seed companies in training personnel and raising awareness among growers. In conclusion, the Company reaffirmed its commitment to supporting national efforts in plant health, food security, and agricultural transformation under the Bottom-up Economic Transformation Agenda, and called for continued stakeholder consultations during formulation of regulations to ensure practical and science-based implementation.

Resolutions

- 1. Deliberation of Stakeholder Submissions** - The committee shall convene in a closed session to thoroughly deliberate upon all proposals and feedback tendered by stakeholders during the meeting.
- 2. Expansion of Stakeholder Engagement** - The secretariat was mandated to initiate contact with non-attendant stakeholders to solicit their input, thereby ensuring comprehensive representation.

MIN.NO.NA/A&L/2026/089: ADJOURNMENT/DATE OF THE NEXT MEETING

The meeting was adjourned at two minutes past one O'clock. The next meeting will be on notice.

SIGNED:.....DATE:16/06/2026.....

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



THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 27TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD IN GARDEN SUITE I, 6TH FLOOR, HILTON GARDEN INN ON FRIDAY, 12TH JUNE 2025 AT 9.30 AM

PRESENT

- | | |
|---|------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP | Chairperson |
| 2. Hon. Brighton Leonard Yegon, CBS, MP | Vice-Chairperson |
| 3. Hon. Sabina Wanjiru Chege, CBS, MP | |
| 4. Hon. Geoffrey Makokha Odanga, MP | |
| 5. Hon. Yussuf Mohamed Farah, MP | |
| 6. Hon. Patrick Kibagendi Osero, MP | |
| 7. Hon. Ruth Adhiambo Busia, MP | |
| 8. Hon. Gabriel Gathuka Kagombe, MP | |

ABSENT WITH APOLOGY

1. Hon. Ferdinand Kevin Wanyonyi, MP
2. Hon. Lawrence Mpuru Aburi, MP
3. Hon. David Kiplagat, MP
4. Hon. Justice Kipsang Kemei, MP
5. Hon. Monicah Muthoni Marubu, MP
6. Hon. John Makali Okwisi, MP
7. Hon. Jared Odoyo Okelo, MP

COMMITTEE SECRETARIAT

- | | | |
|-------------------------|---|---------------------------------------|
| 1. Mr. Dennis Ogechi | - | Clerk Assistant I/Head of Secretariat |
| 2. Mr. Victor K. Kilimo | - | Clerk Assistant III |
| 3. Ms. Everlyn Orina | - | Clerk Assistant III |
| 4. Mr. Gerald Kadede | - | Legal Counsel II |
| 5. Mr. Shadrak Musyoki | - | Senior Research Officer |
| 6. Ms. Gift Gitonga | - | Audio recording Officer (intern) |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. Matters Arising
5. **Clause by Clause Consideration of the Plant Protection Bill, No. 28 (National Assembly Bill), 2025**
6. Any other Business
7. Adjournment/Date of the Next Sitting

The meeting was called to order at twelve minutes to eleven O'clock with prayer by the Chairperson. He briefed the Committee on the agenda of the meeting and thereafter, Committee Members and secretariat introduced themselves.

The agenda of the meeting was adopted having been proposed by Hon. Geoffrey Makokha Odanga, MP and adopted by Hon. Yussuf Mohamed Farah, MP

**CLAUSE-BY-CLAUSE
CONSIDERATION OF THE PLANT
PROTECTION BILL, 2025**

The Secretariat guided the Committee through a clause-by-clause consideration of the Plant Protection Bill, 2025, whereupon the Committee agreed with the text of all clauses save for Clauses 2, 5, 6, 12, 31, 34, 37, 51, 52, and 57, for which specific amendments were proposed as follows:

CLAUSE 2

1. **THAT**, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the words “County Executive Committee Member”; and
- (b) by deleting the word “the” appearing immediately before the word “Kenya” in the definition of the phrase “regulated pest”.

Justification

- (a) *The Committee has substituted executive committee member with county government to put emphasis on the county government and not county executive committee members; and*
- (b) *To correct a typographical error.*

CLAUSE 5

2. **THAT**, Clause 5 of the Bill be amended by inserting the following new paragraph immediately after paragraph (1)—

- “(d)undertake research on emerging pests and their effect on plants and environment.”

Justification

- To expressly include the function of research on pests and their effects as a function of the National Government.*

CLAUSE 6

3. **THAT**, Clause 6 of the Bill be amended by deleting paragraph (g) and substituting therefor the following new paragraph—

- “(g) establishing and operating plant clinics in partnership with crop health experts from Kenya Agricultural Livestock Research Organization and other research organizations;”

Justification

- To incorporate the professional and technical input of KALRO and other research institutions on the establishment and operations of plant clinics.*

CLAUSE 12

4. **THAT**, Clause 12 of the Bill be amended –

(a) by deleting paragraph (k) and substituting therefor the following new paragraph—

“(i)one person, with relevant technical expertise, representing the Council of Governors;”

(b) by deleting paragraph (k) and substituting therefor the following new paragraph—

“(k)two persons with relevant expertise representing agrochemical dealers and the farmers nominated by the national umbrella bodies;”

Justification

(a) To ensure that the persons incorporated in the Technical Committee have the requisite technical expertise; and

(b) To specify the two members to represent the private sector.

CLAUSE 31

5. **THAT**, Clause 31 of the Bill be amended in subclause (2) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 34

6. **THAT**, Clause 34 of the Bill be amended by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 37

7. **THAT**, Clause 37 of the Bill be amended—

(a) in subclause (1) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government” and

(b) in subclause (2) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 51

8. **THAT**, Clause 51 of the Bill be amended by deleting the word “mechanisms” appearing immediately after the word “which” in the opening statement

Justification

To correct grammatical error.

CLAUSE 52

9. **THAT**, Clause 52 of the Bill be amended by inserting the word “pest,” immediately after the word “any”.

Justification
To provide clarity.

CLAUSE 57

10. **THAT**, Clause 57 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) No person shall carry out research on regulated pests or articles without the approval of the Service unless authorized under the law.”

Justification
To ensure that the mandate of the Service does not contradict the mandate of KALRO and other institutions mandated by law to undertake research.

MIN. NO. NA/A&L/2026/126:

ADJOURNMENT/DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at ten minutes to two O'clock. The next meeting will be held on Saturday, 13th June 2026 at nine O'clock.

SIGNED:..... **DATE:**.....16/06/2026.....

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



THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DIRECTORATE OF DEPARTMENTAL COMMITTEES

MINUTES OF THE 28TH SITTING OF THE DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK HELD IN GARDEN SUITE I, 6TH FLOOR, HILTON GARDEN INN ON SATURDAY, 13TH JUNE 2025 AT 9.00 AM

PRESENT

- | | |
|---|------------------|
| 1. Hon. (Dr.) John Kanyuithia Mutunga, PhD, CBS, MP | Chairperson |
| 2. Hon. Brighton Leonard Yegon, CBS, MP | Vice-Chairperson |
| 3. Hon. Sabina Wanjiru Chege, CBS, MP | |
| 4. Hon. Geoffrey Makokha Odanga, MP | |
| 5. Hon. Yussuf Mohamed Farah, MP | |
| 6. Hon. Patrick Kibagendi Osero, MP | |
| 7. Hon. Ruth Adhiambo Busia, MP | |
| 8. Hon. Gabriel Gathuka Kagombe, MP | |

ABSENT WITH APOLOGY

1. Hon. Ferdinand Kevin Wanyonyi, MP
2. Hon. Lawrence Mpuru Aburi, MP
3. Hon. David Kiplagat, MP
4. Hon. Justice Kipsang Kemei, MP
5. Hon. Monicah Muthoni Marubu, MP
6. Hon. John Makali Okwisi, MP
7. Hon. Jared Odoyo Okelo, MP

SECRETARIAT

- | | | |
|-------------------------|---|---------------------------------------|
| 1. Mr. Dennis Ogechi | - | Clerk Assistant I/Head of Secretariat |
| 2. Mr. Victor K. Kilimo | - | Clerk Assistant III |
| 3. Ms. Evelyn Orina | - | Clerk Assistant III |
| 4. Mr. Gerald Kadede | - | Legal Counsel II |
| 5. Mr. Shadrak Musyoki | - | Senior Research Officer |
| 6. Ms. Gift Gitonga | - | Audio recording Officer (intern) |

AGENDA

1. Prayers
2. Preliminaries/Adoption of the Agenda
3. Confirmation of Minutes
4. Matters Arising
5. **Consideration and Adoption of a Report on the Plant Protection Bill (National Assembly Bill No. 28 of 2025).**
6. Any other Business
7. Adjournment/Date of the Next Sitting

The meeting was called to order at nine O'clock with prayer by the Chairperson. He briefed the Committee on the agenda of the meeting and thereafter, Committee Members and secretariat introduced themselves.

The agenda of the meeting was adopted having been proposed by Hon. Ruth Adhiambo Busia, MP and adopted by Hon. Gabriel Gathuka Kagombe, MP

Agenda was deferred to the next sitting.

The Report on the Plant Protection Bill (National Assembly Bill No. 28 of 2025) was adopted after being proposed by Hon. Brighton Leonard Yegon, CBS, MP and seconded by Hon. Geoffrey Makokha Odanga, MP.

It was adopted with the following observations and recommendations:

OBSERVATIONS

1. **Incorporation of global and regional best practices** - The Plant Protection Bill, 2025 represents a comprehensive synthesis of contemporary international best practices within the phytosanitary sector. By benchmarking against advanced regulatory frameworks locally, regionally, and globally, the Bill transitions Kenya's biosecurity framework away from reactive control measures toward a highly proactive, science-driven defense posture.
2. **Resolution of statutory obsolescence and legislative gaps** - The Bill directly addresses contemporary market realities, agricultural innovations and commercial demands that have emerged since the mid-20th century. By laying the foundation for a progressive, legally resilient statutory architecture, this legislative intervention systematically resolves the significant enforcement gaps, inadequate penalty structures, and procedural limitations that historically weakened the legacy Plant Protection Act (Cap 324).
3. **Institutional optimization and global trade security** - By formally designating the Kenya Plant Health Inspectorate Service (KEPHIS) as the nation's singular National Plant Protection Organization (NPPO), the Bill institutionalizes Kenya's compliance obligations under the International Plant Protection Convention (IPPC) and related international phytosanitary standards. This statutory alignment provides Kenya with a robust, legally verifiable foothold in international commerce. Consequently, it secures uninterrupted market access for Kenyan agricultural exports while systematically mitigating the risks of non-tariff trade restrictions, cargo rejections and sudden market exclusion.
4. **Separation of executive enforcement and advisory mandates** - The Bill establishes a clear separation of powers between day-to-day regulation and technical oversight:

- a) **Executive enforcement mandate:** KEPHIS retains exclusive, direct regulatory and enforcement powers regarding border surveillance, plant health inspections, seed certification and quarantine controls.
- b) **Advisory mandate:** Specialized technical committees, such as the Kenya Technical Committee on Biological Articles and Control Agents, are structured to maintain a broader advisory and evaluative posture. Such entities are restricted from exercising direct administrative or implementation powers, centring their mandates instead on risk assessment, policy formulation and high-level regulatory review.

RECOMMENDATION

The Committee recommended that the House approves the Bill, subject to the incorporation of the following amendments:

CLAUSE 2

1. **THAT**, Clause 2 of the Bill be amended—

- (a) by deleting the definition of the words “County Executive Committee Member”; and
- (b) by deleting the word “the” appearing immediately before the word “Kenya” in the definition of the phrase “regulated pest”.

Justification

- (a) *The Committee has substituted executive committee member with county government to put emphasis on the county government and not county executive committee members; and*
- (b) *To correct a typographical error.*

CLAUSE 5

2. **THAT**, Clause 5 of the Bill be amended by inserting the following new paragraph immediately after paragraph (l)—

“(d)undertake research on emerging pests and their effect on plants and environment.”

Justification

To expressly include the function of research on pests and their effects as a function of the National Government.

CLAUSE 6

3. **THAT**, Clause 6 of the Bill be amended by deleting paragraph (g) and substituting therefor the following new paragraph—

“(g) establishing and operating plant clinics in partnership with crop health experts from Kenya Agricultural Livestock Research Organization and other research organizations;”

Justification

To incorporate the professional and technical input of KALRO and other research institutions on the establishment and operations of plant clinics.

CLAUSE 12

4. **THAT**, Clause 12 of the Bill be amended —

- (a) by deleting paragraph (k) and substituting therefor the following new paragraph—

- “(i)one person, with relevant technical expertise, representing the Council of Governors;”
- (b) by deleting paragraph (k) and substituting therefor the following new paragraph—
- “(k)two persons with relevant expertise representing agrochemical dealers and the farmers nominated by the national umbrella bodies;”

Justification

- (a) To ensure that the persons incorporated in the Technical Committee have the requisite technical expertise; and**
- (b) To specify the two members to represent the private sector.**

CLAUSE 31

5. **THAT**, Clause 31 of the Bill be amended in subclause (2) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 34

6. **THAT**, Clause 34 of the Bill be amended by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 37

7. **THAT**, Clause 37 of the Bill be amended—
- (a) in subclause (1) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government” and
- (b) in subclause (2) by deleting the words “County Executive Committee Member” and substitute therefor the words “county government”.

Justification

To place emphasis on the county government and not the county executive committee member.

CLAUSE 51

8. **THAT**, Clause 51 of the Bill be amended by deleting the word “mechanisms” appearing immediately after the word “which” in the opening statement

Justification

To correct grammatical error.

CLAUSE 52

9. **THAT**, Clause 52 of the Bill be amended by inserting the word “pest,” immediately after the word “any”.

Justification

To provide clarity.

CLAUSE 57

10. **THAT**, Clause 57 of the Bill be amended by deleting subclause (1) and substituting therefor the following new subclause—

“(1) No person shall carry out research on regulated pests or articles without the approval of the Service unless authorized under the law.”

Justification

To ensure that the mandate of the Service does not contradict the mandate of KALRO and other institutions mandated by law to undertake research.

MIN. NO. NA/A&L/2026/130:

ADJOURNMENT / DATE OF THE NEXT MEETING

There being no other business, the meeting was adjourned at ten minutes to two O'clock. The next meeting will be held on Tuesday, 16th June 2026 at Ten O'clock.

SIGNED:  DATE: 16/06/2026

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

**Annexure 3: Copy of the Plant Protection
Bill (National Assembly Bill No. 28 of 2025)**

SPECIAL ISSUE

Kenya Gazette Supplement No. 98 (National Assembly Bills No. 28)



REPUBLIC OF KENYA

KENYA GAZETTE SUPPLEMENT

NATIONAL ASSEMBLY BILLS, 2025

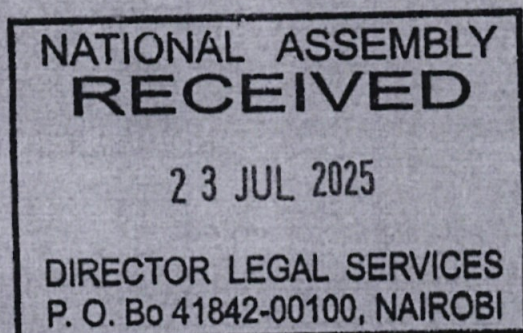
NAIROBI, 24th June, 2025

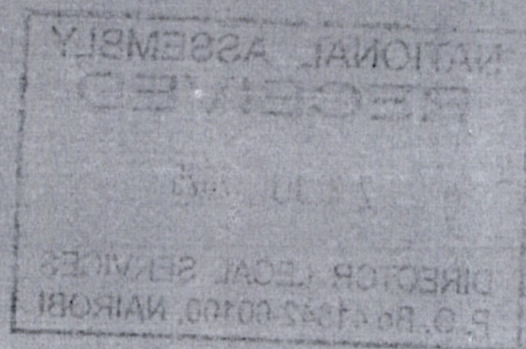
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THE PLANT PROTECTION BILL, 2025

A Bill for

AN ACT of Parliament to provide a regulatory and institutional framework for the prevention of introduction, establishment and spread of plant pests; management of plant pests; facilitate safe trade in plants, plant products and other regulated articles; and for connected purposes.

ENACTED by the Parliament of Kenya, as follows—

PART I—PRELIMINARY

1. This Act may be cited as the Plant Protection Act, 2025. Short title.

2. In this Act, unless the context otherwise requires— Interpretation.

“Cabinet Secretary” means the Cabinet Secretary responsible for matters relating to plant protection;

“consignment” means any quantity of plants, plant products or other regulated articles being moved from one country to another and covered, when required, by a single phytosanitary certificate;

“conveyance” includes—

- (a) railway coaches, wagons and railway rolling stock;
- (b) watercrafts; and
- (c) any other means of transport not prescribed by this Act;

“County Executive Committee Member” means the County Executive Committee Member responsible for matters relating to plant protection;

“County Response Committee” means the County Plant Health Emergency Response Committee constituted under section 45;

“disinfection” means the process of freeing a plant, plant product or other regulated articles from pathogens;

"disinfestation" means the freeing of a plant, plant product or other regulated articles from vertebrate and invertebrate pests;

"emergency response" means a prompt phytosanitary action undertaken to prevent, eradicate or contain an imminent, new or unexpected phytosanitary situation;

"infected area" means any area or place in which a pathogen occurs;

"infestation" means the presence of vertebrate and invertebrate pests in an area, plant, plant product or other regulated articles;

"intercept" means to refuse or control the entry or movement of a consignment for failure to comply with phytosanitary regulations;

"National Plant Protection Organization" means the National Plant Protection Organization designated under section 8;

"National Response Committee" means the National Plant Health Emergency Response Committee constituted under section 44;

"noxious weed" means any weed considered to be harmful to the environment or animals in accordance with this Act;

"other regulated articles" means any storage place, packaging, conveyance, used vehicles, machinery, equipment, container, soil and any other related organism, object or material capable of harboring or spreading pest deemed to require phytosanitary measures;

"pathogen" means a microorganism causing disease in plants or plant products;

"pest" means any species, strain or biotype of a plant, an animal or a pathogenic agent injurious to a plant or plant product;

"pest of concern" means a pest of economic importance as determined by a specific county;

“phytosanitary certificate” means an official document attesting that a consignment meets the phytosanitary import requirements;

“phytosanitary certificate for re-export” means a phytosanitary certificate issued for a consignment that has been imported into a country from which it is then exported;

“phytosanitary measure” means any legislative or official procedure to prevent the introduction and spread of regulated pests;

“plant” means living plant and parts thereof including seeds and germplasm;

“plant import permit” means a plant import permit issued in accordance with section 17;

“plant import requirements register” means the plant import requirements register maintained by the Service under section 20;

“plant product” means a plant part, an unmanufactured material of plant origin including grain and manufactured products that, by their nature or that of their processing, may create a risk for introduction and spread of pests;

“quarantine” means confinement of plant, plant product, other regulated articles, pest or beneficial organism for inspection, testing, treatment, observation or research;

“regulated pest” means a pest of potential economic importance to the Kenya, whether absent or if present not widely distributed, that is controlled by the Service;

“Service” means the Kenya Plant Health Inspectorate Service established under the Kenya Plant Health Inspectorate Service Act;

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“Technical Committee” means the Kenya Technical Committee on Biological Articles and Control Agents established under section 11; and

“wood packaging material” means wood or wood products, excluding paper products, used in protecting or covering a commodity and includes a pallet or dunnage.

3. This Act shall apply to the prevention and management of—

Scope of application.

- (a) plant pests; and
- (b) plants, plant products and other regulated articles.

4. The objective of this Act is to—

Objects of the Act.

- (a) give effect to the International Plant Protection Convention by designating the National Plant Protection Organization;
- (b) put in place measures to prevent the introduction, establishment and spread of pests through plants, plant products and other regulated articles being stored, moved, propagated, researched, cultivated or growing in the wild whether for commercial, imports or other purposes;
- (c) guide the trade and movement of plants, plant products and other regulated articles; and
- (d) provide for the management of pests including transboundary and migratory pests.

PART II — RESPONSIBILITIES RELATING TO PLANT PROTECTION MATTERS

5. (1) The National Government shall have the following functions under this Act—

Role of National Government.

- (a) providing policy direction on matters relating to prevention and spread of plant pests;
- (b) establishing mechanisms for and co-ordinating the management of transboundary, migratory pest and new pest incursions; and
- (c) capacity building for county governments and other stakeholders to prevent the establishment and spread of plant pests.

6. A County Government shall have the following functions under this Act—

Role of County Governments.

- (a) receiving, verifying and analysing pest reports

from land occupiers or land owners at the county level;

- (b) advising land occupiers or land owners on pest management practices at the county level;
- (c) notifying the national government and the Service on the status of pest management at the county;
- (d) in partnership with the national plant protection organization, undertaking pest surveillance at the county level;
- (e) undertaking pest management at the county level;
- (f) enforcing pest management measures prescribed by the Service at the county level;
- (g) establishing and operating plant clinics; and
- (h) building capacity of the producers and other county stakeholders on pest management.

7. Pursuant to section 5(a) of the Kenya Plant Health Inspectorate Act, the functions of the Service under this Act shall include—

Role of the
Service.
Cap. 349.

- (a) advising the Cabinet Secretary on all matters relating to plant protection;
- (b) advising county governments on matters relating to plant health within the respective county;
- (c) putting in place mechanisms for early warning systems and rapid response on matters relating to plant health;
- (d) prescribing and enforcing phytosanitary measures to prevent and control the establishment and spread of plant pests;
- (e) registering bio-fertilizers, beneficial organisms, soil conditioners, bio-stimulants, organic fertilizers and any related products and articles except biopesticides regulated under the Pest Control Products Act;
- (f) monitoring plant protection product residues and

Cap 346.

heavy metals in agricultural produce to support compliance with sanitary requirements;

- (g) supporting County Governments and other stakeholders on matters relating to plant protection and plant health matters; and
- (h) advising the National Government, County Governments and other stakeholders on emerging areas related to plant protection and plant health matters.

8. (1) The Kenya Plant Health Inspectorate Service is designated as the National Plant Protection Organization of Kenya for purposes of the International Plant Protection Convention.

Designation of the
National Plant
Protection
Organization.

(2) The functions of the Service as the National Plant Protection Organization shall include—

- (a) issuing of phytosanitary certificates for exports and import permits for plants, plant products and other regulated articles;
- (b) growing plants to establish and report the occurrence, outbreak and spread of pests;
- (c) prescribing phytosanitary measures to prevent the outbreak, and spread of pests;
- (d) inspecting consignments of plants, plant products and other regulated articles to prevent the introduction or spread of pests;
- (e) providing measures for the disinfestation or disinfection of plants, plant products and other regulated articles to ensure they meet phytosanitary requirements;
- (f) inspecting plants during active growth and facilities handling plant products and other regulated articles to prevent the introduction or spread of pests;
- (g) providing for the designation, maintenance and surveillance of pest free areas and areas of low

pest prevalence;

- (h) conducting pest risk analysis to establish import conditions and market access; and
- (i) perform any other function related to the functions of a National Plant Protection Organization.

9. The Service shall be the contact point for the International Plant Protection Convention.

Contact point for the Convention.

10. The Service shall be the National Enquiry Point on matters relating to plant protection and plant health.

National Enquiry Point.

11. (1) There shall be a committee to be known as the Kenya Technical Committee on Biological Articles and Control Agents which shall facilitate risk assessment for importation, exportation, local production and use of biological articles and control agents.

The Kenya Technical Committee on Biological Articles and Control Agents.

(2) Without prejudice to subsection (1), the functions of the Technical Committee shall be to—

- (a) evaluate, through risk assessment, bio-fertilizers, biopesticides, biological control agents, beneficial organisms, soil conditioners, bio-stimulants, organic fertilizers and any related products and articles;
- (b) consider the efficacy trial reports for imported or locally produced bio-fertilizers, beneficial organisms, soil conditioners, bio-stimulants, organic fertilizers and any related products and articles, except biopesticides, and make recommendations to the Service for registration.

12. (1) The Technical Committee shall consist of—

Membership of the Technical Committee.

- (a) the head of the department, in the Ministry responsible for matters relating plant protection, responsible for plant protection, who shall be the Chairperson;
- (b) the Managing Director of the Kenya Plant Health Inspectorate Service or their designated

representative;

- (c) the Director-General of the Kenya Agricultural and Livestock Research Organization or their designated representative;
- (d) the Chief Executive Officer of the Pest Control Products Board or their designated representative;
- (e) the head of the department, in the Ministry responsible for matters relating to veterinary services, responsible for veterinary services or their designated representative;
- (f) the Director General of the National Environment Management Authority or their designated representative;
- (g) the head of the department, in the Ministry responsible for matters relating to public health, responsible for public health and sanitation or their representative;
- (h) the Managing Director of the Kenya Bureau of Standards or their designated representative;
- (i) one person representing the Council of Governors;
- (j) one person, with relevant technical expertise, representing institutions of higher learning; and
- (k) two persons, with relevant technical expertise, nominated by the relevant private sector associations, umbrella body or institution.

(2) The Technical Committee may co-opt any person with requisite knowledge and expertise to assist in the performance of its functions:

Provided that the co-opted members shall not:

- (a) vote on any matter for which a vote of the Technical Committee is required; or
- (b) count in determining the quorum of the Technical Committee.

13. (1) Unless otherwise provided, the Technical Committee shall undertake its business and affairs in the

Conduct of
business and
affairs of the
Technical

prescribed manner.

Committee.

(2) The Technical Committee may constitute such sub-committees as may be necessary for the efficient performance of its functions.

14. The Service shall provide secretariat services to the Technical Committee.

Secretariat of the
Technical
Committee.

PART III — CONTROL OF PLANT, PLANT PRODUCTS AND OTHER REGULATED ARTICLES

Import of plant, plant products or other regulated articles

15. (1) No person shall import a plant, plant product or other regulated article except in the manner provided under this Act.

Restriction on
importation.

(2) Without prejudice to subsection (1), no person shall import an organism for research without the approval of the Service.

(3) The Service shall put in place statutory and administrative measures to control the importation of any plant, plant product or other regulated articles likely to pose a phytosanitary risk.

(4) Any person who contravenes subsection (1) or (2) commits an offence.

16. A plant, plant product or other regulated article shall be imported into Kenya through points of entry designated by the Ministry responsible for matters relating to immigration.

Importation
through
designated points.

17. (1) No person shall import a plant, plant product or other regulated article without a valid plant import permit issued by the Service in the prescribed manner.

Plant import
permit.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or twenty percent of the value of the imported consignment, whichever is higher, or to imprisonment for a term not exceeding one year, or to both.

18. (1) No person shall import a bio-fertilizer, biological control agent, beneficial organism, soil

Biological import
permit.

conditioner, bio-stimulant, organic fertilizer, biopesticide or any related product and article without a valid biological import permit issued by the Service in the prescribed manner.

(2) A person who contravenes subsection (1) commits an offence.

19. The Service shall maintain a register of all persons who import plants, plant products or other regulated articles for traceability and risk management.

Register of
importers.

20. The Service shall maintain a register of the requirements for the importation of any plant, plant product or other regulated articles in such form and containing such particulars as it may determine.

Plant import
requirements
register.

21. (1) Every person, including a courier service operator, arriving into Kenya with a plant, plant product or other regulated article shall declare the plant, plant product or other regulated article, to the Service, at the designated points of entry.

Declaration of a
consignment.

(2) The person in-charge of a point of entry shall notify the Service of the arrival of any consignment of a plant, plant product or other regulated article in the prescribed manner.

(3) Where a person contravenes subsection (1) or (2)—

(a) the Service may intercept the plant, plant product or other regulated article in the prescribed manner; and

(b) the person shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding one year, or to both.

Export of plant, plant products or other regulated articles

22. (1) The Service shall maintain a register of persons who export plants, plant products and other regulated articles for traceability and monitoring compliance.

Register of
exporters.

(2) The registration of an exporter by other competent authorities related to plants, plant products and other

regulated articles may be a prerequisite for registration of any person who export plants, plant products and other regulated articles by the Service.

23. (1) Any plant, plant product or other regulated article intended for export shall be inspected and where necessary, tested by the Service to ensure compliance with any the plant health requirements and other conditions set by the importing country.

Phytosanitary
certification and
certificates.

(2) A person seeking to export any plant, plant product or other regulated article shall obtain a phytosanitary certificate from the Service in the prescribed manner.

(3) The Service shall issue a phytosanitary certificate in respect of plants, plant products and other regulated article that meets the requirements under this Act and the phytosanitary requirements set by the importing country.

(4) The Service shall issue a phytosanitary certificate for re-export where a consignment of plants, plant products or other regulated articles imported are repackaged or divided but the integrity therein is not lost.

(5) The Cabinet Secretary shall, in consultation with the Service, make regulations relating to the form, validity, conditions for issuance and the cancellation of phytosanitary certificates.

(6) A person who—

(a) alters or falsifies a phytosanitary certificate or any signature therein; or

(b) obtains a phytosanitary certificate, through false pretence or falsely represents the phytosanitary certificate,

commits an offence.

24. Where any plant, plant product or other regulated article intended for export fails to meet the plant health requirements or requirements of plant protection product residues and heavy metal contaminants of the importing country, the Service shall restrict exportation and may detain or require destruction of the plant, plant product or

Non- compliance.

other regulated article intended for export at the exporters cost.

PART IV — MANAGEMENT OF PLANT PESTS

Introduction of pests

25. (1) No person shall introduce a pest, noxious weed or an invasive weed into the Kenyan territory.

Prohibition on introduction of pests.

(2) Any person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding one year, or to both.

Risk analysis

26. (1) The Service shall conduct pest risk analysis to determine requirements for the importation of plants, plant products and other regulated articles.

Pest risk analysis.

(2) Without prejudice to subsection (1), the Service shall periodically conduct risk assessment to determine the noxiousness or invasiveness of plants or weeds.

(3) The Service shall maintain and publish a list of regulated pests, noxious weeds and invasive species that are prohibited or restricted from entering Kenya.

27. (1) The Service shall conduct a phytosanitary risk assessment of biological articles and control agents to determine their safety and import conditions prior to consideration by relevant agencies.

Phytosanitary risk assessment.

(2) The import conditions determined under this section shall be maintained by the Service in the plant import requirements register.

Plant quarantine stations

28. The Kenya Plant Health Inspectorate Service Plant Quarantine and Biosecurity Station is designated as the Plant Quarantine Station of Kenya.

Plant Quarantine Station of Kenya.

29. Without prejudice to section 28, the Service may, by notice in the Kenya *Gazette*, designate any other substations as plant quarantine stations for purposes of this

Designation of quarantine stations.

Act.

30.(1) The Service may, upon inspection, designate a facility as post-entry quarantine facility for purposes of this Act.

Post-entry
quarantine
facilities.

(2) A facility designated under subsection (1) shall be used for holding imported consignments of plants, plant products and other regulated materials to verify whether they are infested with quarantine pests.

(3) The Service may approve an offshore country quarantine facility as a post quarantine facility to screen plant pests on behalf of the Service prior to importation of plants, plant products and other regulated articles.

(4) The Cabinet Secretary may make regulations to give effect to this section.

New pests, unknown pests and pests of concern

31. (1) Where there is an emergence of a new pest or a pest of concern to Kenya, the Service shall, in the prescribed manner, declare the pest as a new pest or pest of concern and classify the pests for purposes of this Act.

Declaration of a
new pest or pest
of concern.

(2) Without prejudice to subsection (1), where there is an emergence of a new pest or pest of concern within a county, the County Executive Committee Member may, in consultation with the County Response Committee, declare the pest as a pest of concern to the county for the purposes of this Act.

(3) The Service shall maintain a record of any pests declared under this section.

32. (1) The Service may, from time to time, issue reports and information on the occurrence or outbreak of any pests, regulation of pests and the measures for their prevention and control.

Publication of
occurrence of a
new pest.

(2) Any person who publishes or makes false or misleading information on the occurrence of any pest commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term of not exceeding one year, or to both.

33. (1) Any occupier or owner of land who suspects

Duty to report an
unknown pest.

that their plants or land is infected or infested with an unknown pest shall—

- (a) notify the authorised officer of the presence or possible occurrence of the pest at the earliest time possible for identification and confirmation of its status;
- (b) contain the infected or infested plants, plant products and other regulated articles or pest where applicable; and
- (c) take all reasonable steps to prevent the spread of the pest.

(2) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding three months, or to both.

Pest management measures

34. The Service or the County Executive Committee Member, as the case may be, shall identify and prescribe pest management measures for the eradication, containment and management of the pests.

Pest management measures.

35. (1) Without prejudice to section 33, an authorised officer may require an occupier or owner of land to put in place any prescribed pest management measures to treat any plants or land, reduce or prevent the spread of any pest or destroy plants:

Pest management by an occupier or owner of land.

Provided that where there are two or more joint occupiers or joint owners, each occupier or owner shall be deemed to be an occupier or owner for the purpose of this section.

(2) The Cabinet Secretary may, in consultation with the Service and County Governments, make regulations to give effect to this section.

36. (1) The Cabinet Secretary may, in consultation with the Service and County Governments, take such measures to establish and maintain a pest free area.

Pest free areas.

(2) The measures envisaged under subsection (1) shall

include—

- (a) pest surveillance;
- (b) delineation of an area;
- (c) pest management; or
- (d) monitoring of pests of concern.

37.(1) The Service or the County Executive Committee Member, as the case may be, may impose containment measures to prevent the spread of a regulated pest or pest of concern in a county or any part of Kenya.

Containment
measures.

(2) Where a pest or pest of concern has spread to more than one county, the Service may, in consultation with County Executive Committee Member of the affected counties, impose containment measures in the affected county.

(3) The Cabinet Secretary may make regulations for the better carrying into effect to this section.

PART V — BORDER SURVEILLANCE, CONTROL AND MONITORING

38. The Service shall periodically conduct border surveillance to monitor unauthorised and illegal movement of plants, plant products and other regulated articles.

Border
surveillance.

39.(1) The Service shall inspect all plants, plant products and other regulated articles at designated points of entry, in the prescribed manner and upon payment of prescribed fee.

Inspection of
consignments.

(2) Any plant, plant products and other regulated articles inspected under this section shall be accompanied by—

- (a) a phytosanitary certificate from the country of origin; and
- (b) a plant import permit and other relevant documents.

(3) Every importer of a plant, plant product and other regulated article shall ensure that the plant, plant product and other regulated article is inspected in accordance with

this Act.

(4) When undertaking an inspection under this Act, necessary samples may be drawn by the Service for testing, to ascertain compliance with this Act and other import requirements.

(5) Where the consignment inspected under this section meets the prescribed requirements, the Service shall release the consignment to the importer:

Provided that, where the consignment was imported under quarantine, the consignment shall be released to the designated quarantine station or an approved post entry quarantine facility.

(6) Where the consignment inspected under this section fails to meet the prescribed requirements, the Service may order, at the importer's cost—

- (a) the treatment and release of the consignment;
- (b) the destruction of the consignment;
- (c) the consignment be shipped back to the exporting country; or
- (d) the detention of the consignment, for a period not exceeding six months, pending investigation and decision making.

(7) The Service may notify the exporting country of the non-compliance in subsection (6).

(8) Any person who tampers or removes a consignment detained by the Service under subsection (6) commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or imprisonment for a term not exceeding one year, or to both.

40. (1) An inspector shall have access to any conveyances for the purpose of carrying out phytosanitary inspection.

Access to
conveyance.

(2) A person in-charge of a point of entry shall facilitate the inspector's access to any conveyance for purposes of phytosanitary inspection including inspection

of associated waste.

41. (1) The Service shall monitor phytosanitary risks associated with consignments on transit and transshipment.

Monitoring during transshipment.

(2) Where phytosanitary risks have been identified in (1) the Service shall prescribe mitigation measures for the containment of the identified risks.

42. (1) Any used vehicle, machinery or equipment, imported into or transiting through Kenya, whether whole, disassembled or in parts shall undergo phytosanitary decontamination at the importer's cost and in the prescribed manner prior to shipment to Kenya.

Phytosanitary decontamination of used vehicles, machinery and equipment.

(2) Where the used vehicles, machinery or equipment are imported from countries where phytosanitary decontamination cannot be undertaken, the vehicles, machinery or equipment shall be decontaminated upon arrival and inspection carried out at the importer's cost.

(3) Where a used vehicle, machinery or equipment destined for export from Kenya is required to undergo phytosanitary decontamination by the importing country, the vehicle, machinery or equipment shall be decontaminated, by an authorized person, according to the importing country requirements at the exporter's cost.

(4) A person who contravenes this section commits an offence.

PART VI – EMERGENCY RESPONSE MEASURES

43. (1) The Service may impose emergency measures where a new or unexpected phytosanitary risk is identified and for such a period as the Service may deem necessary.

Emergency measures.

(2) The Service shall notify affected persons of any emergency measures imposed under this Part.

(3) The Service shall review the basis of the emergency measures imposed through pest risk analysis.

(4) Where the emergency measure is maintained after

the review under subsection (3), the Service shall periodically evaluate the risk.

44. (1) There shall be a National Plant Health Emergency Response Committee which shall be responsible for planning and management of plant health emergencies at the national level.

National Plant
Health Emergency
Response
Committee.

(2) Without prejudice to subsection (1), the National Response Committee shall be responsible for—

- (a) developing a national plant health emergency response plan;
- (b) co-ordinating the implementation of the national plant health emergency response plan;
- (c) mobilising resource for addressing emergencies;
- (d) co-ordinating post emergency recovery processes; and
- (e) advising the Cabinet Secretary on emergency response measures for the eradication and prevention of the spread of pests including containment measures.

45. A County Government may, in consultation with the Service, establish a County Plant Health Emergency Response Committee for contingency planning and management of plant health emergencies within that county.

County Plant
Health Emergency
Response
Committee.

(2) Without prejudice to subsection (1), a County Response Committee shall be responsible for—

- (a) determining pests of concern to the county and develop county plant health response plans;
- (b) advising the respective County Government on emergency response strategies to be implemented at the county level;
- (c) advising the respective County Government on early warning and rapid response strategies for pest incursions and outbreaks including containment measures;
- (d) mobilising resources for addressing emergencies;

and

- (e) providing periodic reports to the National Government on the status of implementation on emergency measures.

46. The Cabinet Secretary may, in consultation with the Service and County Governments, make regulations on the membership and the conduct of business and affairs of the National Response Committee and the County Response Committee.

Conduct of business and affairs.

47. (1) The Service shall conduct regular pest surveillance to determine the status of pests and inform an appropriate phytosanitary action.

Pest surveillance and early warning.

(2) The County Governments shall carry out regular pest surveillance in their respective counties to determine the status of pests within the county for pest management purposes.

(3) Without prejudice to subsection (1) and (2), other relevant stakeholders may carry out pest surveillance in accordance with their respective mandates.

(4) The findings of surveillance conducted under this section may be shared to the Service, stakeholders and other the County Governments.

(5) The Service may, in consultation with a respective County Government and other stakeholders, develop and implement early warning systems for effective emergency response within the county.

PART VII — SUPPRESSION OF NOXIOUS AND INVASIVE WEEDS OR PLANTS

48. The Cabinet Secretary shall, by notice in the *Kenya Gazette*, declare a plant or weed to be noxious or invasive weed or plant.

Declaration of a noxious or invasive weed or plant.

49. (1) For the purpose of this section, a "responsible person" means—

Duty to report declared noxious and invasive weed or plant.

(a) the occupier of land, or, in the case of unoccupied land, the registered owner thereof;

(b) in the case of a mining area, the holder of the

respective mining licence for that area;

(c) in the case of government or community lands over which grazing or other rights have been granted, the holder of those rights; and

(d) in the case of land under the control of or vested in a county government, the county government concerned.

(2) A responsible person who suspects the occurrence of a declared noxious and invasive weed or plant on their land shall—

(a) report to an authorised person, the presence of any noxious and invasive weed or plant; and

(b) clear the noxious and invasive weed or plant, or cause it to be cleared from that land.

(3) A person who fails to comply with the provisions of this section commits an offence.

50. (1) Where an authorised officer finds a plant declared to be a noxious and invasive weed or plant on any land, the officer may, by notice in writing, require an owner or occupier of land to clear off the noxious and invasive weed or plant in the prescribed manner.

Power to order persons to clear land.

(2) A person who fails to comply with a notice under subsection (1) commits an offence.

(3) Where an owner or occupier fails to comply with a notice under subsection (1), the authorised officer may enter the land and eradicate the noxious or invasive weed or plant at the owner's or occupier's cost or undertake any other appropriate measures.

(4) The Service shall, in consultation with relevant agencies, provide technical advice for the eradication of noxious or invasive weeds or plants under this section.

(5) A person who contravenes this section commits an offence.

PART VIII – MANAGEMENT OF

TRANSBOUNDARY AND MIGRATORY PESTS

51. (1) The Cabinet Secretary shall, in consultation with the Service, put in place mechanisms for early warning systems for migratory pests which mechanisms shall include—

Early warning systems for migratory pests.

- (a) monitoring and rapid detection of pest out breaks;
- (b) data recording and transmission systems suitable for remote and difficult locations where monitoring is a challenge;
- (c) resource mobilisation and budgetary allocations;
- (d) capacity building in the collection of data for forecasting;
- (e) development of incident command mechanisms for improved co-ordination amongst different stakeholders;
- (f) development of tools for vulnerable communities to establish systems to respond to emergencies; and
- (g) promoting knowledge exchange on pest management.

(2) The Service shall maintain an updated list of migratory pests reported in Kenya.

52. An occupier or owner of a land that is infested with any developmental stage egg, larvae, hoppers or adults of migratory pests shall report its occurrence to an authorised officer in the prescribed manner.

Reporting of migratory pests.

53. (1) The management of migratory pests may be undertaken by the application of a broad-spectrum pesticide:

Management of migratory pests.

Provided that a broad-spectrum pesticide shall not be used in any—

- (a) public or private water;
- (b) visible standing water;
- (c) populated area; or

(d) land within the borders of an excluded area as declared by the respective County Government.

(2) Where migratory pests occur on a land, the owner or occupier of the land shall use measures that are approved to control the migratory pests.

(3) Any person undertaking any management measures relating to migratory pest shall report to the authorised officer on each swarm, flock or infestation controlled.

PART IX—CONTROL OF WOOD PACKAGING MATERIAL

54. (1) Any wood packaging material imported into or exported from Kenya shall be treated and marked in the prescribed manner and at the importer's or exporters cost.

Control of wood packaging material.

(2) A person who contravenes subsection (1) commits an offence.

PART X—PLANT HEALTH AND SAFETY ASSURANCE

55. (1) The Service may establish laboratories to undertake its analysis, testing, diagnosis and quality assurance functions under this Act.

Establishment of laboratories.

(2) The laboratories established by the Service under this section shall be the designated laboratories of Kenya.

(3) A County Government may establish a laboratory for the performance of its functions under this Act.

(4) The Service may authorise qualified persons to undertake diagnostic and analytical services, on its behalf, for purposes of this Act.

(5) A person authorised under subsection (4) shall provide all information related to authorised services.

(6) The Cabinet Secretary may, in consultation with the Service and County Governments, make regulations to give effect to this section.

56. (1) The Service may, at the owner's cost, carry out

Phytosanitary measures.

or authorise the carrying out of—

- (a) phytosanitary treatment;
- (b) phytosanitary decontamination; or
- (c) destruction of non-compliant consignments.

57. (1) No person shall carry out research on regulated pests or articles without the approval of the Service.

Control of
regulated pests
under research.

(2) The Service shall put in place measures to mitigate phytosanitary risks during the research under this section.

(3) The Service shall maintain a database of approved facilities handling regulated pests under research.

(4) A person who contravenes subsection (1) commits an offence and shall be liable, on conviction, to a fine not exceeding two million shillings or to imprisonment for a term not exceeding one year, or to both.

58. (1) No person shall propagate for sale plants under nursery or tissue culture facility without a valid plant health certification from the Service.

Certification of
nursery and tissue
culture facilities.

(2) A person who contravenes subsection (1) commits an offence.

59. (1) No person shall certify a plant or plant product as organically produced unless the plant or plant product meets the prescribed national or international organic certification requirements.

Certification of
plant and plant
products as
organically
produced.

(2) The Service may authorise any qualified person to be an organic certification body for plants and plant products for purposes of this Act.

60. (1) No person shall locally produce, import or offer for sale any formulated products of biological articles for commercialization unless the person is registered by the Service.

Registration and
production of
formulated
products of
biological articles.

(2) A person seeking to produce locally biological articles for commercialization shall seek the approval of the production facility by the Service.

(3) No person shall distribute, stock, repackage or

store for sale any formulated products of biological articles unless the product and their premises is registered by the Service.

(4) Without prejudice to subsection (1) and (3), any commercial biopesticides cleared by the Technical Committee may be processed and registered in accordance with Pest Control Products Act.

Cap 346.

(5) The Service shall maintain a database of all products and facilities approved under this section.

(6) A person who contravenes subsections (1), (2) or (3) commits an offence and shall be liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months, or to both.

61. (1) The Service may continuously monitor the production, distribution, storage or sale of plants and plant products, whether locally produced, imported or for export, to—

Monitoring of
pesticide residues
and heavy metal
contaminants.

- (a) ensure compliance with the national and international requirements;
- (b) get information on the levels of plant protection products residues and heavy metals present in plants and plant products to inform enforcement measures by the Service and various government agencies;
- (c) advice the National Governments and County Governments on the status of compliance of plants and plant products in relation to pesticide residues and heavy metals for policy intervention;
- (d) identify risk areas in the plant and plant products supply chain in relation to pesticide residues and heavy metals to improve systems of various value chains; and
- (e) notify importers and exporting countries on the non-compliance with requirements relating to pesticide residues and heavy metals.

PART XI — INSPECTORS AND LABORATORY

ANALYSTS

62. (1) The Service shall appoint qualified persons to be plant health inspectors for the purposes of this Act. Plant health inspectors.

(2) An inspector appointed under subsection (1) shall—

- (a) carry out phytosanitary certification of plants, plant products and other regulated articles for import or export;
- (b) conduct transboundary pest surveillance;
- (c) specify and enforce measures on the establishment of pest free areas and areas of low pest prevalence;
- (d) phytosanitary certification of nursery facilities;
- (e) specify treatment of consignments of plants, plant products and other regulated articles;
- (f) monitor the implementation of prescribed mitigation measures for phytosanitary risks in plants, plant products and other regulated articles in research, on transit and transshipment;
- (g) receive and evaluate pest and migratory pest reports;
- (h) undertake pest risk analysis;
- (i) specify and enforce measures for the management of noxious or invasive weeds and plants; and
- (j) evaluate status of noxious or invasive weed and plants.

(3) The Service shall cause to be published in the *Kenya Gazette*, the names of all plant health inspectors appointed under this section.

63. (1) A County Executive Committee Member shall appoint qualified persons to be county plant health inspectors for the purposes of this Act.

County plant health inspectors.

(2) An inspector appointed under subsection (1) shall—

- (a) receive and evaluate reports from farmers on pest, noxious or invasive and migratory pest;
- (b) evaluate the pest status of any plant, plant product or other regulated articles;
- (c) evaluate the status of noxious weed or invasive weed;
- (d) undertake pest monitoring;
- (e) create awareness and undertake capacity building of farmers in pest management;
- (f) in collaboration with the Service, implement measures for the establishment of pest free areas; and
- (g) specify and enforce pest management, containment and eradication measures in the county including in nursery facilities.

(3) Without prejudice to subsection (2), a county plant health inspector shall not undertake roles relating to—

- (a) import and export of plants and plant products;
- (b) materials under research; and
- (c) activities under this Act that are outside the jurisdiction of a county or at designated points of entry.

64. (1) An inspector appointed under this Part shall have power to—

Powers of
inspectors.

- (a) enter any land, place or premises at which there is, or is suspected to be a plant, plant product or other regulated articles;
- (b) enter any land to ascertain whether any noxious or invasive weed or plant exists;
- (c) inspect and take samples of any plants, plant products or other regulated articles;
- (d) inspect any process or operation carried out in any premises in connection with the manufacture, production, processing or treatment of plant

products or other regulated articles;

- (e) open any package found in any place or premises that the inspector suspects has a plant, plant product or other regulated articles;
- (f) require any person to produce relevant documents to facilitate an inspection, examination or for obtaining copies;
- (g) seize and search any person, baggage, packaging, conveyance that he suspects contains plant, plant product or other regulated articles;
- (h) stop the distribution, sale or use of any plant, plant product or other regulated articles which he suspects is harbouring a regulated pest;
- (i) seize, destroy, detain, treat or otherwise dispose of any plants, plant products or other regulated articles, or order that such action be taken where he has reason to believe such plants, plant products or other regulated articles are harbouring a regulated pest;
- (j) seal off any place, premises or conveyance containing infested or infected plants, plant products or other regulated articles;
- (k) confine, seal and order immediate treatment of consignments of plants, plant products and other regulated articles to prevent the introduction or spread of pests; and
- (l) take any other reasonable and necessary measures in the exercise of the powers outlined under this section.

65. A person who—

Obstruction of
inspectors.

- (a) gives false information to an inspector;
- (b) obstructs, hinders, interferes with, refuses to furnish information to the inspector;
- (c) fails to produce any document required by the inspector;
- (d) fails to comply with any lawful order given by any

inspector in execution of his powers or duties; or

- (e) otherwise contravenes any other provisions in this Act,

commits an offence and is liable, on conviction, to a fine not exceeding one million shillings or to imprisonment for a term not exceeding six months, or to both.

66. (1) The Service shall appoint qualified persons to be Service laboratory analysts for purposes of this Act.

Laboratory analysts.

(2) A laboratory analyst appointed under subsection (1) shall—

- (a) collect samples for laboratory analysis for purposes of this Act;
- (b) analyse any sample and generate a report for purposes of this Act; and
- (c) perform any other relevant function as may be assigned.

PART XII - MISCELLANEOUS PROVISIONS

67. The Cabinet Secretary may, on the advice of the Service and by a notice in the *Kenya Gazette*, prescribe a fee or charges for any service offered by the Service.

Fees and charges.

68. A person convicted of an offence under this Act for which no penalty is provided shall, be liable, on conviction to a fine not exceeding two hundred and fifty thousand Kenya shillings or to a term not exceeding six months, or both.

General penalty.

69. (1) Where a dispute arises during the implementation of this Act, the dispute shall at first instance be resolved internally through a committee within the Service.

Dispute resolution.

(2) Where amicable resolution fails in subsection (1), the dispute shall be referred to arbitration.

70. (1) No inspector, officer or agent of the Service or county government shall be personally liable for the official decisions made in good faith in executing the provisions of

Personal liability.

this Act.

(2) No suit, prosecution or other legal proceeding shall lie against any inspector or his assistant for anything done in good faith and without negligence under this Act.

71. The Service or County Governments, as the case may be, may in the course of implementing the provisions in this Act undertake phytosanitary investigations for scientific-based phytosanitary regulatory decisions.

Phytosanitary
investigation.

72. Where pest control products are prescribed for use for management of phytosanitary risks under this Act, the pest control products shall be used in accordance to the Pest Control Products Act.

Use of registered
pest control
products.
Cap. 346.

PART XIII—PROVISIONS ON DELEGATED POWERS

73. (1) The Cabinet Secretary may, in consultation with the Service and County Governments, make regulations for the better carrying into effect the provisions of this Act.

Regulations.

(2) Without prejudice to subsection (1), the regulations made under this Act shall provide for—

- (a) the prevention of introduction of plant pests;
- (b) pest risk analysis and import requirements;
- (c) the form, validity, conditions for issuance and the cancellation of plant import permits and phytosanitary certificates;
- (d) the post entry quarantine processes and approval and certification of post entry quarantine facilities;
- (e) eradication and containment, restriction of movement, cultivation and harvesting in areas infested with regulated pests;
- (f) prevention and management of noxious weeds;
- (g) regulation of wood packaging materials;
- (h) organic certification;

- (i) monitoring of pesticide residues and heavy metals;
 - (j) pest eradication;
 - (k) the power to detain, destroy, intercept due to non-compliance;
 - (l) the appointment of inspectors, analyst and other officers;
 - (m) decontamination of used vehicles, machinery and equipment; and
 - (n) dispute resolution mechanisms.
- (3) For the purposes of Article 94 (6) of the Constitution—
- (a) the purpose and objective of delegation under this section is to enable the Cabinet Secretary to make regulations to provide for the better carrying into effect of the provisions of this Act;
 - (b) the authority of the Cabinet Secretary to make regulations under this Act will be limited to bringing into effect the provisions of this Act and to fulfil the objectives specified under this section;
 - (c) the principles and standards applicable to the regulations made under this section are those set out in the Interpretation and General Provisions Act and the Statutory Instruments Act, 2013.

PART XIV — REPEALS, SAVINGS AND TRANSITIONAL PROVISIONS

74. For purposes of this Part, “repealed Act” means the Plant Protection Act.

Interpretation of
Part.
Cap. 324.

75. (1) Subject to subsection (2), the Plant Protection Act is repealed.

Repeals and
savings.

(2) Notwithstanding subsection (1)—

- (a) any act done or action undertaken under the repealed Act shall, unless a contrary intention

appears, be deemed to have been done under the provisions of this Act;

- (b) any statutory instrument issued under the repealed Act shall remain in force until specifically revoked under this Act;
- (c) any licence issued under the repealed Act and subsisting immediately before the commencement of this Act shall be deemed to have been issued under this Act; and
- (d) any contractual obligations existing pursuant to the repealed Act are preserved.

MEMORANDUM OF OBJECTS AND REASONS

Statement of Objects and Reasons

Plant protection play a significant role in not only achieving targets of crops production but sustaining crop production from the ravages of pests and diseases. This bill seeks to provide a regulatory and institutional framework for the prevention of introduction, establishment and spread of plant pests, management of plant pests and facilitate safe trade in plants, plant products and other regulated articles.

The structure of the Bill is as follows—

Part I (Clauses 1 to 4) of the Bill provides for preliminary matters including the short title and interpretation of terms used in the Bill with a technical meaning. It further sets out scope of application and objects of the Act.

Part II (Clauses 5 to 14) of the Bill provides for the responsibilities of various entities relating to plant protection matters. It spells out the roles of National Government, County Governments and the Kenya Plant Health Inspectorate.

Additionally, the Part further provides for the Kenya Technical Committee on Biological Articles and Control Agents responsible for facilitating risk assessment for importation, exportation, local production and use of biological articles and control agents.

Part III (Clauses 15 to 24) of the Bill deals with the control of plant, plant products and other regulated articles. The Part contains provisions on importation and exportation of plant, plant products and other regulated articles and specify the required approvals, permits and certification.

Part IV (Clauses 25 to 37) of the Bill provides for the management of plant pests. The Part contains provisions on prohibition of introduction of pests, establishment of plant quarantine stations and obligations relating to new pests and pests of concerns. It further makes provision for pest management measures and containments applicable under the Act.

Part V (Clauses 38 to 42) of the Bill deals with border surveillance, control and monitoring. It makes provision for border surveillance, inspection of consignments and phytosanitary decontamination of used vehicles, machinery and equipment.

Part VI (Clauses 43 to 47) of the Bill contains provisions on emergency response measures. It establishes a National Plant Health Emergency Response Committee responsible for planning and management of plant health emergencies at the national level and provides for the establishment of a County Plant Health Emergency Response

Committee for contingency planning and management of plant health emergencies within a county.

The Part also provides for the conducting of pest surveillance to inform an appropriate phytosanitary action and the development and implement of early warning systems for effective emergency response within the county.

Part VII (Clauses 48 to 50) of the bill contains provisions on suppression of noxious and invasive weeds or plants.

Part VIII (Clauses 51 to 53) of the bill contains provisions on the management of transboundary and migratory pests.

Part IX (Clause 54) of the bill provides for the Control of wood packaging material.

Part X (Clauses 55 to 61) of the bill deals with plant health and safety assurance. It provides for establishment of laboratories to undertake quality assurance functions under this Act; and sets out controls for organically produced plants or plant product, nursery and tissue culture facilities, pests under research and monitoring of pesticide residues and heavy metal contaminants.

Part XI (Clauses 62 to 66) of the bill contains provisions on the appointment of inspectors and laboratory analysts at the National and County level for the purposes of this Act.

Part XII (Clauses 69 to 75) of the bill contains miscellaneous provisions.

Part XIII (Clauses 76 to 77) of the bill contains repeals, savings and transitional provisions.

Statement on the delegation of legislative powers and limitation of fundamental rights and freedoms

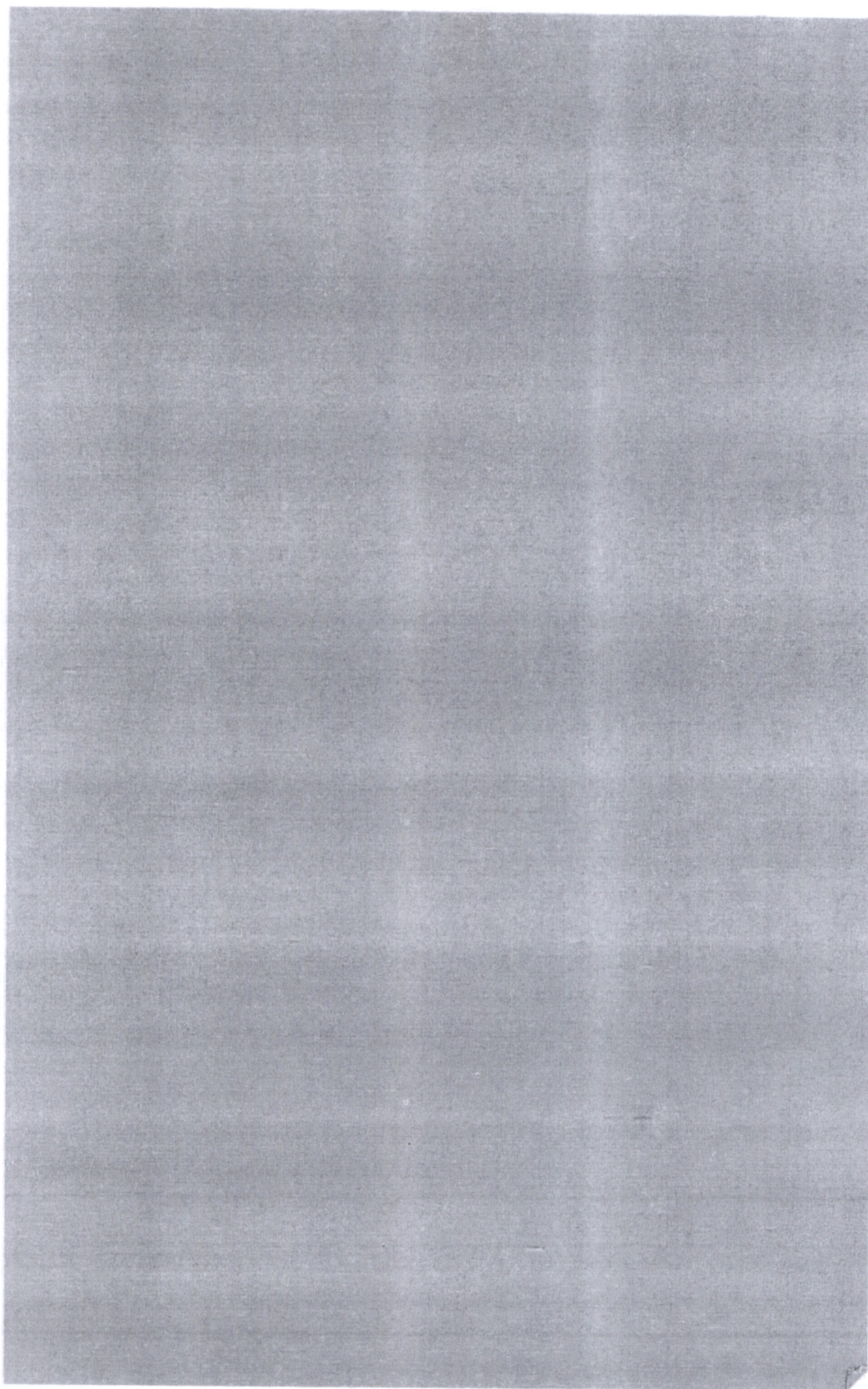
This Bill delegates legislative powers to the Cabinet Secretary responsible for matters relating to Plant Protection to make regulations for the purposes of its implementation. The Bill does not limit any fundamental rights or freedoms.

Statement as to whether the Bill is a money Bill within the meaning of Article 114 of the Constitution

The enactment of this Bill shall not occasion additional expenditure of public funds.

Dated the 10th June, 2025.

KIMANI ICHUNG'WAH,
Leader of Majority Party.



Annexure 4: Copy of the Newspaper Advertisement on Public Participation



**THE NATIONAL ASSEMBLY
THIRTEENTH PARLIAMENT- FOURTH SESSION (2025)**

**IN THE MATTER OF ARTICLE 118 (1)(B) OF THE CONSTITUTION
AND
IN THE MATTER OF CONSIDERATION BY THE NATIONAL ASSEMBLY OF:**

1. *The Plant Protection Bill (National Assembly Bill No. 28 of 2025);*
2. *The Capital Markets (Amendment) Bill (National Assembly Bill No. 30 of 2025); and*
3. *The Equalisation Fund Appropriation Bill, 2025 (Senate Bill No. 7 of 2025)*

INVITATION TO SUBMIT MEMORANDA

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

AND WHEREAS, the Plant Protection Bill (National Assembly Bill No. 28 of 2025); the Capital Markets (Amendment) Bill (National Assembly Bill No. 30 of 2025); and The Equalisation Fund Appropriation Bill, 2025 (Senate Bill No. 7 of 2025), were Read a First Time and referred to the relevant Departmental Committees for consideration and reporting back to the House.

IT IS NOTIFIED THAT

The **Plant Protection Bill (National Assembly Bill No. 28 of 2025)** is a Bill sponsored by the **Leader of Majority Party, the Hon. Kimani Ichung'wah, EGH, M.P** that seeks to provide a regulatory and institutional framework for the prevention of introduction, establishment and spread of plant pests; management of plant pests; facilitate safe trade in plants, plant products and other regulated articles.

The **Capital Markets (Amendment) Bill (National Assembly Bill No. 30 of 2025)** is a Bill sponsored by the **Leader of Majority Party, The Hon. Kimani Ichung'wah, EGH, M.P**, that seeks to amend section 29 of the Capital Markets Act (Cap. 485A) for the purpose of refining the provisions relating to shareholding limits within different licence. The amendments additionally seeks to enhance ease of doing business by removing shareholding limits to attract more investment in regulated institutions. Without such limits, larger investors may be more willing to invest significant capital, leading to increased liquidity and expansion opportunities for the institution; and

The **Equalisation Fund Appropriation Bill, 2025 (Senate Bill No. 7 of 2025)** is a Bill sponsored by the **Hon Samuel Atandi, MP, Chairperson, Budget and Appropriations Committee**. The Bill seeks to authorize the issue of a sum of money out of the Equalisation Fund and its application towards the service of the year ending 30th June, 2026. The Bill therefore proposes a legal framework for the issuance of monies out of the Equalization Fund to counties in which marginalized areas fall for the provision of crucial basic services.

NOW THEREFORE, in compliance with Article 118(1)(b) of the Constitution and the National Assembly Standing Order 127(3), the Clerk of the National Assembly hereby invites the public and stakeholders to submit memoranda on the Bills to the respective Departmental Committees as listed below:

NO.	BILL	DEPARTMENTAL COMMITTEE
1.	The Plant Protection Bill (National Assembly Bill No. 28 of 2025)	Agriculture and Livestock
2.	The Capital Markets (Amendment) Bill (National Assembly Bill No. 30 of 2025)	Finance and National Planning
3.	The Equalisation Fund Appropriation Bill, 2025 (Senate Bill No. 7 of 2025)	Finance and National Planning

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

The memoranda may be forwarded to the **Clerk of the National Assembly, P.O. Box 41842-00100, Nairobi**; hand-delivered to the **Office of the Clerk, Main Parliament Building, Nairobi**; or emailed to cna@parliament.go.ke to be received on or before **Friday, 29th August, 2025** at **5.00 p.m.**

S. NJORGE, CBS
CLERK OF THE NATIONAL ASSEMBLY
15TH AUGUST, 2025

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

Annexure 5: Letter Inviting Stakeholders for a Meeting with the Committee



THE NATIONAL ASSEMBLY
OFFICE OF THE CLERK

P. O. Box 41842-00100
Nairobi, Kenya
Main Parliament Buildings

Telephone: +254202848000 ext. 3300
Email: qua@parliament.go.ke
www.parliament.go.ke/the-national-assembly

When replying, please quote
Ref: **NA/DDC/A&L/2026 (021)**

31st March 2026

Dr. Kipronoh Ronoh, PhD, CBS
Principal Secretary
State Department for Agriculture
Kilimo House, Cathedral Road
NAIROBI.

Mr. Fredrick N. Muchiri
Chief Executive Officer/Secretary
Pest Control and Products Board
Loresho
NAIROBI

Dr. Patrick K. Ketiem, PhD
Director General, KALRO
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NAIROBI.

Mr. Sammy Kiplagat Chepsiror
Managing Director, Kenya Seed Company
Mbegu Plaza, Kijana Wamalwa Street
KITALE.

Dr. Daniel M. M-Mailutha, PhD
Chief Executive Officer
Kenya National Farmers' Federation
Thogoto - Mutarakwa Road
NAIROBI.

Prof. Theophilus M. Mutui, PhD
Managing Director
Kenya Plant Health Inspectorate Service
Ngong Road
NAIROBI.
kephisinfo@kephis.org

Ms. Esther Ngari, EBS
Managing Director/Council Secretary
Kenya Bureau of Standards
Popo Road, Off Mombasa Road
NAIROBI.
info@kebs.org

Prof. Moses Nyangito
Dean Faculty of Agriculture
University of Nairobi
Kabete, Off Kapenguria Road
NAIROBI.
dean-fagric@uonbi.ac.ke

Mr. Wellington Wasike
Chairperson
Seed Traders Association of Kenya
1st Floor, Wing B, Jumuia Place
Lenana Road
NAIROBI.

Dear

Prof Nyangito

**REF: STAKEHOLDER ENGAGEMENT BY THE DEPARTMENTAL
COMMITTEE ON AGRICULTURE AND LIVESTOCK ON THE PLANT
PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 28 of 2025).**

The Departmental Committee on Agriculture and Livestock is established pursuant to Standing Order 216 which mandates it, *inter alia*, "to study and review all legislation referred to it."

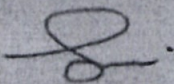
Pursuant to this mandate, the Committee is currently considering the Plant Protection Bill (National Assembly Bill No. 28 of 2025) (copy attached). The Bill seeks to provide a regulatory and institutional framework for the prevention of introduction, establishment and spread of plant pest; management of plant pests; facilitate safe trade in plants, plant products and other regulated articles; and for connected purposes.

In compliance with the provisions of Article 118(1)(b) of the Constitution, the Committee invites you to a stakeholder engagement to deliberate on the said Bill. The meeting is scheduled for **Thursday, 9th April 2026**, at a venue to be communicated, starting at **10:00 a.m.**

You are kindly requested to submit electronic copies of your memorandum or report to the Committee through the underlisted emails by **Wednesday, 8th April 2026** and appear before the Committee with fifteen (15) hard copies of the same.

The liaison officers on this matter are **Mr. George Gazemba, Deputy Director, Departmental Committees**, who may be contacted on Tel. No. **0728024252** or Email: george.gazemba@parliament.go.ke and **Mr. Dennis Mogare Ogechi, Committee Clerk**, who may be contacted on Tel. No. **0721479162** or Email: dennis.ogechi@parliament.go.ke

Yours



JEREMIAH NDOMBI, MBS
For: CLERK OF THE NATIONAL ASSEMBLY

Copies to

Hon. Sen. Mutahi Kagwe, EGH
Cabinet Secretary
Ministry of Agriculture & Livestock Development
Kilimo House, Cathedral Road
NAIROBI.

CPA. Dr. Aurelia Chepkirui Rono, CBS
Principal Secretary, State Department for Parliamentary Affairs
Office of the Prime Cabinet Secretary
National Treasury Building
NAIROBI.

Annexure 6: Stakeholder Submissions



② Laureen Wasonga
27/10/25

② DOC
23/10/25



REPUBLIC OF KENYA

**MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT
STATE DEPARTMENT FOR AGRICULTURE
Office of the Principal Secretary**

Telephone: 2718870/9
Website: www.kilimo.go.ke
Email: cdarprincipalsecretary@gmail.com
When replying please quote;

KILIMO HOUSE
CATHEDRAL ROAD
P. O. Box 30028
NAIROBI

REF: MOA/ADM/1/27/VOL.IV/(78)

22nd October, 2025

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Parliament Buildings
NAIROBI

Dear

Samuel

**STAKEHOLDER ENGAGEMENT BY THE DEPARTMENTAL COMMITTEE ON
AGRICULTURE AND LIVESTOCK ON THE PLANT PROTECTION BILL
(NATIONAL ASSEMBLY BILL NO.28 OF 2025)**

Reference is made to your letter Ref: NA/DDC/A&L/ 2025/027 dated 7th October, 2025 concerning the above subject matter.

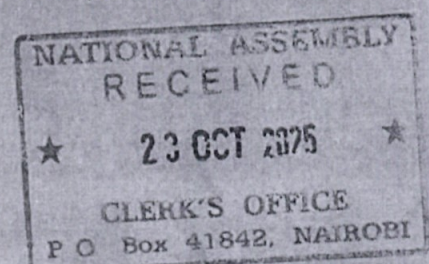
Attached herewith is a memorandum on the Plant Protection Bill (National Assembly Bill No. 28 of 2025).

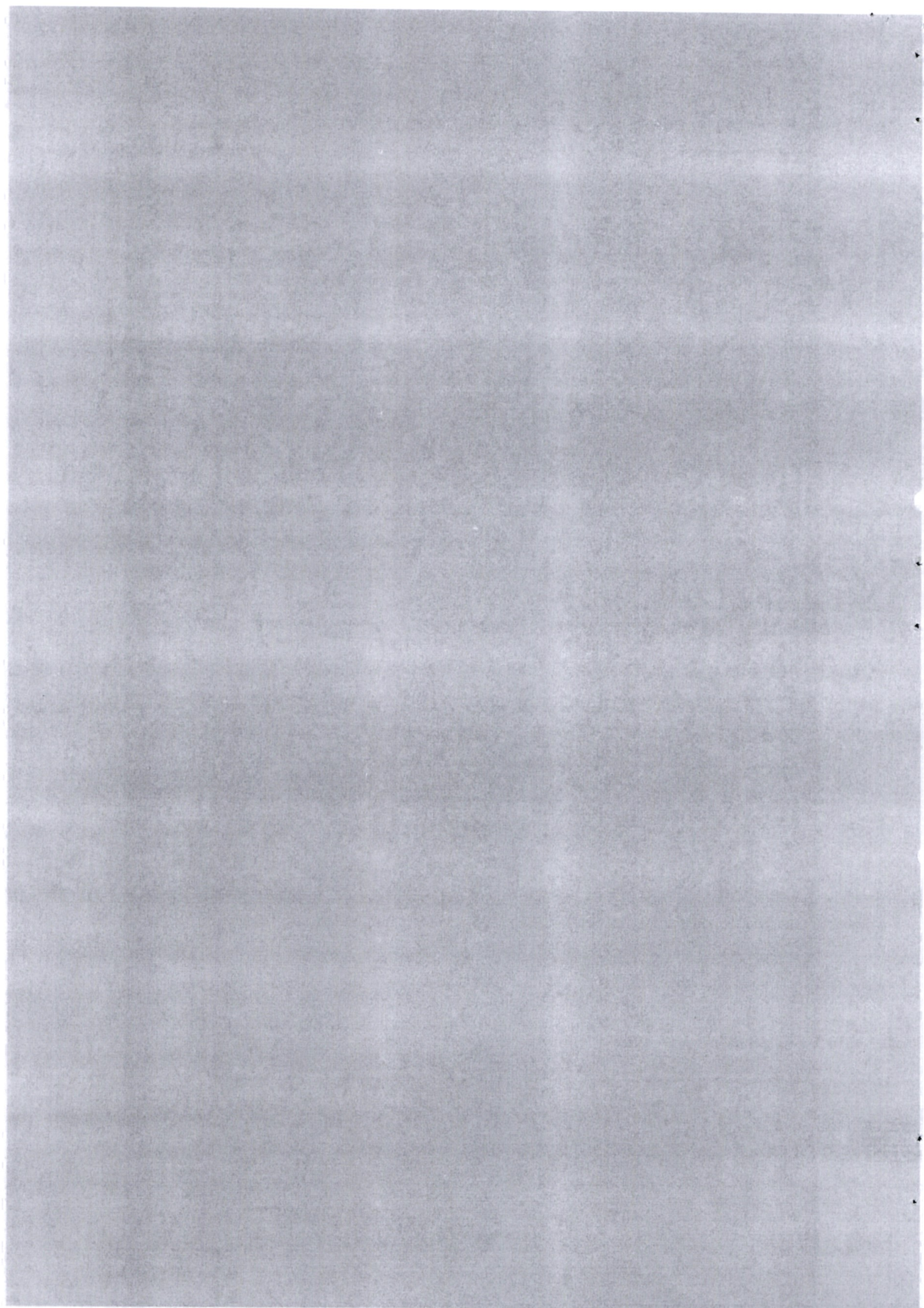
Yours

[Signature]
Dr. Kiprotich Rono P, CBS
PRINCIPAL SECRETARY

Encl.

Copy to: **Sen. Mutahi Kagwe, EGH**
Cabinet Secretary
Ministry of Agriculture and Livestock Development
NAIROBI





1. Background

This Memorandum outlines the objects and reasons for the Plant Protection Bill, 2025. The Bill seeks to create a comprehensive legal framework for the protection of plants and plant products from pests and diseases, to ensure food security, support sustainable agriculture, and facilitate safe international trade.

Kenya continues to be a leading source of agricultural products imported by various countries. Kenya also has a robust export sector but stringent sanitary and phytosanitary requirements for market access has impeded penetration to some of these markets. The Bill provides provisions that strengthen market access and phytosanitary certification for increased international trade.

The current Plant Protection Act, Cap 324 was enacted in 1937 and was last reviewed in 1972. Since then there have been significant changes in plant health sector both locally and internationally. This has created the need to update the current legislation to align to the need of the 21st century and anchor provisions that have been in practice that are not well provided for in law. The bill has also provided for articles that address key phytosanitary provision and measures

The Plant Protection Act, Cap 324 of 1937 has not been aligned to important international provisions. The bill provides for the alignment of the legislation to the international requirements such as designation of Kenya's National Plant Protection Organization, contact point and enquiry point a major requirement by the International Plant Protection



REPUBLIC OF KENYA

MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT

**MEMORANDUM PLANT PROTECTION BILL (NATIONAL
ASSEMBLY BILL NO. 28 OF 2025**

BY

**Dr. Kipronoh Ronoh, CBS
PRINCIPAL SECRETARY**

OCTOBER, 2025

Inspectorate Service (KEPHIS) which is the designated National Plant Protection Organization, the contact and enquiry point as required by the International Plant Protection Convention (IPPC).

The Bill establishes the Kenya Technical Committee on Biological Articles and Control Agents which shall undertake risk assessment to mitigate the risk on introduction of harmful organism and to support use and registration of biological products. The committee is chaired by the Ministry of Agriculture and has membership from public and private sector. The committee has not been provided for in the current legislation.

Part III. Control of plants, plant products and other regulated articles

Importation of plant, plant product and other regulated article have the risk of introduction of harmful pests and diseases. This part provides for mechanism to prevent introduction of pest through importation and defines the requirement for issuance of plant import permits, biological import permits and declarations at designated points of entry.

This part also provides for phytosanitary measures to be followed to ensure Kenyan exports follow the international market requirements. It defines phytosanitary inspection, issuance of certificate and management of non-compliance.

Part IV. Management of plant pests

Increase in global trade, climate change, exchange of germplasm and need for research has led to the risk of introduction and spread of the

Convention (IPPC). The Bill also define the role of the KEPHIS in line with the international requirements.

With the promulgation of Kenya's Constitution, 2010 which provided for devolution of agriculture, the coordination of plant health management in Kenya remains unclear as the present legislation has not provided clarity among different actors including the National Government and County Government. This has greatly affected effective early warning system and plant health management by the various players at the County and National Governments. The Bill now delineates the roles of both National and County Governments in promoting plant health and will enhance collaboration between the two levels of Governments.

2. Key provisions of the bill

The Bill is structured in to different parts and articles as follows:

Part I. Preliminary

This part has defined the key terms and has provided the scope, objects of the Act to provide legal clarity and context in the implementation of the Bill.

Part II. Responsibilities relating to plant protection

Plant protection is currently being undertaken by different players as well as different levels of government as defined by the Constitution. Therefore, this part of the Bill has provided the function undertaken by the National Government, County Governments and Kenya Plant Health

Part VI. Emergency response measures

Kenya has encountered several pest incursions in the last two decades leading to adverse effect on agriculture and the environment. Management of pests and diseases require a collaborative approach by both National, County Governments and other actors. This part provides for the situation where emergency measures can be imposed once phytosanitary risks are identified. It proposes for the establishment of both the National and County Plant Health Emergency Response Committees and defines the specific roles of both committees in planning and management of plant health emergencies at both the National and County Government levels. This part also provides guideline for undertaking pest surveillance and early warning systems to establish the status of the pests in the country.

Part VII. Suppression of noxious and invasive weeds

This part provides for declaration and suppression of noxious and invasive species. The part further defines the responsibilities to land occupiers and owners to report the occurrence of noxious weeds and apply appropriate measures for their management. It also empowers authorised officers to eradicate and offer technical support in the management of the noxious weeds.

Some examples of noxious weeds include the water hyacinth, parthenium, Opuntia and dodder which have caused significant economic losses to agriculture and other economic activities.

harmful organisms. This part provides for prohibition of deliberate introduction of pests and diseases and provides for evaluation of risk of introduction of harmful pests through pest risk analysis and phytosanitary assessments for biological control agents.

This part also provides for designation of a national plant quarantine stations and establishment of post-entry quarantine facilities to support in mitigating introduction of pests and diseases while supporting germplasm exchange.

This part further defines mechanisms for declaring a new pest by KEPHIS and the County government, provide for obligation before publication of new pest occurrence and reporting of unknown pests by the farmer or land owner, management of pest and diseases, containment measures in case of pest outbreak and creation of pest free areas to facilitate trade.

Part V. Border surveillance, control and monitoring

This part provides for border surveillance to monitor unauthorised imports. This part also provide for phytosanitary inspection of plants, plant products and other regulated articles being imported through the border to prevent introduction of pests and diseases.

The part further provides for inspection of conveyance or vessels as well as requirements for phytosanitary decontamination of used vehicles, machinery and equipment which were not provided for in the current Act, as this is a new international requirement.

The part finally provides for monitoring of pesticide residues and heavy contaminants to ensure compliance with both national and international requirements.

Part XI. Inspectors and laboratory analysts

This part provides for appointment and clearly defines the role of KEPHIS Inspector and Inspector at the County level. It provides for gazettelement of the inspector which was not provided for in the current Act. It provides for the power of the Inspector in implementing this Act. The part also provides for appointment of laboratory analysts.

Part XII. Miscellaneous provisions

This part provides for provisions not included in the main Act which include power to levy fees and charges, general penalty, dispute resolution, personal liability of officers and provide for phytosanitary investigation for compliance to export requirements

Part XIII. Provision on delegated powers

This part provides for enactment of regulation to support in the implementation of the Act

Part XIV. Repeals, savings and transitional provisions

This part provides for repealing the previous Act while preserving licences, statutory instruments and existing contractual obligations done under the repealed law. This part will assure stakeholders of the smooth transition of the Bill during enactment.

Part VIII. Management of Trans - boundary and migratory pests

This part provides for the management of Transboundary and Migratory Pests. It provides for the implementation of mechanisms for putting in place systems for early warning which includes; monitoring and detection, capacity building for data collection, development of tools for communities to respond to the emergencies and actual management of the pests.

These pests have the potential to cause significant economic losses. Some migratory pests in Kenya include desert locusts, army worms and *Quelea* *Quelea* birds.

Part IX. Control of wood packaging material

Wood packaging used during trade have been identified as a potential pathway for the introduction of forest pests. This part provides for mechanism which includes treatment and marking of wood packaging used in international trade.

Part X. Plant health and safety assurance

This part provides for the establishment of laboratories at National, County and by KEPHIS to undertake analysis, testing, diagnosis and quality assurance. It provides for designation and certification of laboratories.

It also provides for the phytosanitary treatment, use of pest under research, certification of nursery and tissue culture facilities, and certification of organically produced plant products.

5. Financial implications

The enactment of this bill shall not occasion additional expenditure of public funds.

6. Conclusion

The Plant Protection Bill, 2025 is a legal instrument that will modernize Kenya's phytosanitary framework. Its enactment will provide clarity in handling plant health matters in the country hence protecting our agriculture from introduction of pest and diseases, boost our economy by facilitating safe trade, and ensure sustainable food security. The current Bill do not overlap with mandate from other agencies. Further, the service will be develop Regulations which will be gazetted to breathe life to the Bill once enacted.

Signature

Date

Dr. Kipronoh Ronoh, CBS

PRINCIPAL SECRETARY

STATE DEPARTMENT FOR AGRICULTURE



**MEMORANDUM ON THE PLANT PROTECTION BILL (NATIONAL
ASSEMBLY BILL NO. 28 OF 2025)**

SUBMITTED BY

KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)

MEMORANDUM FROM KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS), MINISTRY OF AGRICULTURE AND LIVESTOCK DEVELOPMENT ON THE PLANT PROTECTION BILL, 2025

1. BACKGROUND

This Memorandum outlines the objects for the Plant Protection Bill, 2025. The Bill seeks to create a comprehensive legal framework for the protection of plants and plant products from pests and diseases, to ensure food security, support sustainable agriculture, and facilitate safe international trade. Kenya continues to be a leading source of agricultural products imported by various countries. Kenya also has a robust export sector but stringent sanitary and phytosanitary requirements for market access has impeded penetration to some of these markets. The Bill provides provisions that strengthen market access and phytosanitary certification for increased international trade.

The current Plant Protection Act, Cap 324 was enacted in 1937 and was last reviewed in 1972. Since then, there have been significant changes in plant health sector both locally and internationally. This has created the need to update the current legislation to align to the needs of the 21st century and anchor provisions that have been in practice under the law. The bill has also provides for provisions that address key phytosanitary measures.

The current Act has not been aligned to important international provisions that serve to enhance market access of Kenya's products. The bill provides for the alignment of the legislation to the international requirements such as the designation of Kenya's National Plant Protection Organization, contact point and enquiry point, a major requirement by the International Plant Protection Convention (IPPC). The Bill also defines the role of the KEPHIS in line with the international requirements.

With the promulgation of Kenya's Constitution, 2010 which provides for devolution of agriculture, the coordination of plant health management in Kenya remains unclear as the present legislation has not provided clarity among different actors including the National Government and the County Government. This has greatly affected effective early warning system and pest management by the various players at the County and National Governments. The Bill now delineates the roles of both National and County Governments in promoting plant health and will enhance collaboration between the two levels of Governments.

The bill also has provisions for certain phytosanitary aspects which include the role of research in prevention of introduction and spread of the pests and diseases, enhancement of pest management in the country including transboundary and migratory pests, the monitoring of pesticide residue and heavy metal and other contaminant like Aflatoxin to facilitate trade and market access as well as certification organic products to facilitate trade. Definitions of terms has also been revised to bring clarity and remove any form of ambiguity.

2. KEY PROVISIONS OF THE BILL

The Bill is structured in to different parts and articles as follows:

Part I Preliminary

This part has defined the key terms and has provided the scope, objects of the Act to provide legal clarity and context in the implementation of the Bill.

Part II Responsibilities Relating to Plant Protection

Plant protection is currently being undertaken by different players as well as different levels of government as defined by the Constitution. Therefore, this part of the Bill has provided the function undertaken by the National Government, County Governments and Kenya Plant Health Inspectorate Service (KEPHIS) which is the designated National Plant Protection Organization, the contact and enquiry point as required by the International Plant Protection Convention (IPPC).

This part establishes the Kenya Technical Committee on Biological Articles and Control Agents which shall undertake risk assessment to mitigate the risk on introduction of harmful organism and to support use and registration of biological products. The committee is chaired by the Ministry of Agriculture and Livestock Development and has membership from public and private sectors. The committee has not been provided for in the current legislation.

Part III. Control of Plants, Plant Products and Other Regulated Articles

Importation of plant, plant product and other regulated article have the risk of introduction of harmful pests and diseases. This part provides for mechanism to prevent introduction of pest through importation and defines the requirement for issuance of plant import permits, biological import permits and declarations at designated points of entry.

This part also provides for phytosanitary measures to ensure Kenyan exports meets international market requirements. It defines phytosanitary inspection and certification system and handling of Non-compliances in the international market.

Part IV. Management of Plant Pests

Increase in global trade, climate change, exchange of germplasm and need for research has led to the risk of introduction and spread of the harmful organisms. This part provides for prohibition of deliberate introduction of pests and diseases. This provides for evaluation of risk of introduction of harmful pests through pest risk analysis and phytosanitary assessments for biological control agents (an enhancement of pre-border pest mitigation measures). The bill provides for anchorage of the Kenya Standing Technical Committee (currently and ad hoc entity) on Import and Export (KSTCIE) in law. This part also provides for designation of a national plant quarantine stations, establishment of post-entry quarantine facilities to support in mitigating introduction of pests and diseases while supporting germplasm exchange.

This part further defines mechanisms for declaring a new pest by KEPHIS and the County government, provide for obligation before publication of new pest occurrence and reporting of unknown pests by the farmer or land owner, management of pest and diseases, containment measures in case of pest outbreak (to prevent spread of regulated pests) and creation of pest free areas to facilitate trade.

Part V. Border Surveillance, Control and Monitoring

This part provides for border surveillance to monitor unauthorised imports. This part also provides for phytosanitary inspection of plants, plant products and other regulated articles being imported through the border to prevent introduction of pests and diseases.

It further provides for inspection of conveyance or vessels as well as requirements for phytosanitary decontamination of used vehicles, machinery and equipment which were not provided for in the current Act, as this is a new international requirement.

Part VI Emergency Response Measures

Kenya has encountered several pest incursions in the last two decades leading to adverse effect on agriculture and the environment. Management of pests and diseases require a collaborative approach by both National, County Governments and other actors. This part provides for the situation where emergency measures can be imposed once phytosanitary risks are identified. It proposes for the establishment of both the National and County Plant Health Emergency Response Committees and defines the specific roles of both committees in planning and management of plant health emergencies at both the National and County Government levels. This part also provides guideline for undertaking pest surveillance and early warning systems to establish the status of the pests in the country.

Part VII Suppression of Noxious and Invasive Weeds

This part provides for declaration and suppression of noxious and invasive species. The part further defines the responsibilities to land occupiers and owners to report the occurrence of noxious weeds and apply appropriate measures for their management. It also empowers authorised officers to eradicate and offer technical support in the management of the noxious weeds.

Some examples of noxious weeds include the water hyacinth, parthenium, Opuntia and dodder which have caused significant economic losses to agriculture and other economic activities.

Part VIII Management of Transboundary and Migratory Pests

This part provides for the management of Transboundary and Migratory Pests. It provides for the implementation of mechanisms for putting in place systems for early warning which includes; monitoring and detection, capacity building for data collection, development of tools for communities to respond to the emergencies and actual management of the pests.

These pests have the potential to cause significant economic losses. Some migratory pests in Kenya include desert locusts, army worms and *Quelea Quelea* birds.

Part IX Control of Wood Packaging Material

Wood packaging used during trade have been identified as a potential pathway for the introduction of important forest pests. This part provides for mechanism which includes treatment and marking of wood packaging used in international trade.

Part X Plant Health and Safety Assurance

This part provides for the establishment of laboratories at National, County and by KEPHIS to undertake analysis, testing, diagnosis and quality assurance. It provides for designation and certification of laboratories.

It also provides for the phytosanitary treatment, use of pest under research, certification of nursery and tissue culture facilities, and certification of organically produced plant products.

The part finally provides for monitoring of pesticide residues and heavy contaminants to ensure compliance with both national and international requirements.

Part XI Inspectors and Laboratory Analysts

This part provides for appointment and clearly defines the role of KEPHIS Inspector and Inspector at the County level. It provides for gazettelement of the inspector which was not provided for in the current Act. It provides for the power of the Inspector in implementing this Act. The part also provides for appointment of laboratory analysts.

Part XII Miscellaneous Provisions

This part provides for provisions not included in the main Act which include power to levy fees and charges, general penalty, dispute resolution, personal liability of officers and provide for phytosanitary investigation for compliance to export requirements

Part XIII Provision on delegated powers

This part provides for enactment of regulation to support in the implementation of the Act

Part XIV Repeals, Savings and Transitional Provisions

This part provides for repealing the previous Act while preserving licences, statutory instruments and existing contractual obligations done under the repealed law. This part will assure stakeholders of the smooth transition of the Bill during enactment.

5. FINANCIAL IMPLICATIONS

The enactment of this bill shall not occasion additional expenditure of public funds.

6. CONCLUSION

The Plant Protection Bill, 2025 is a legal instrument that will modernize Kenya's phytosanitary framework. Its enactment will provide clarity in handling plant health matters in the country hence protecting our agriculture from introduction of pest and diseases, boost our economy by facilitating safe trade, and ensure sustainable food security. The current Bill do not overlap with mandate from other agencies. Further, the service will be develop Regulations which will be gazetted to breathe life to the Bill once enacted.

In summary, the bill will: Enhance prevention of the introduction, establishment and spread of pests through plants, plant products and other regulated articles.

- Clarify County and National government role in plant health
- Designation of NPPO and improved communication on plant health issue nationally and internationally
- Establishment of designated laboratories
- Prompt action and emergency measures;
- Enhanced and clarity on pest surveillance and pest management;
- Monitoring of plant protection product residues and heavy metals in agricultural produce to facilitate trade.



KENYA AGRICULTURAL & LIVESTOCK RESEARCH ORGANIZATION

When replying please quote:

Your Ref: NA/DDC/A&L/2026/021

Date: 7th April, 2026

Clerk of the National Assembly,
Clerk's Chambers,
Parliament Buildings,
P.O Box 41842-00100,
NAIROBI.

"Advance copy by E-mail"

Email: cna@parliament.go.ke

RE: SUBMISSIONS ON THE PLANT PROTECTION BILL, 2025

The above subject matter and your letter dated 31st March, 2026 refers.

Kenya Agricultural and Livestock Research Organization (KALRO) is a corporate body created under the Kenya Agricultural and Livestock Research Act No. 17 of 2013. KALRO is the country's premier research institution mandated to promote, streamline, coordinate and regulate in Kenya research in crops, livestock, genetic resources, and biotechnology and to expedite equitable access to research information, resources, and technology and promote the application of the research findings and technology in the field of agriculture.

Having reviewed the Plant Protection Bill, 2025, we wish to make the following recommendations for your considerations.

NO	SECTION	PROVISIONS IN THE BILL	AMENDMENT	JUSTIFICATION
1.	Definitions	"Regulated pest" means a pest of potential economic importance to the Kenya, whether absent or if present not widely distributed, that is controlled by the Service	"Regulated pest" means a pest of potential economic importance to Kenya, whether absent or if present not widely distributed, that is controlled by the Service	Delete the word "the" appearing before "Kenya" for grammatical correctness
2.	Section 6 (g) – Role of County Governments	(g) - establishing and operating plant clinics	(g) - establishing and operating plant clinics in partnership with crop health experts from KALRO and other research organizations	We propose that the clinics should be implemented and established jointly with KALRO since KALRO can

KALRO HEADQUARTERS,

P.O. Box 57811-00200, Nairobi, KENYA. Tel: 254-020 4183301-20/ 254-020 4183720 Fax: 254-020 4183344

Website: www.kalro.org

				provide technical backstopping on the operations within the clinics
3.	Section 57 (i) Control of regulated pests under research,	No person shall carry out research on regulated pests or articles without the approval of the Service.	No person shall carry out research on regulated pests or articles without the approval of the Service. "unless authorized under the law"	This clause contradicts the KALRO's mandate under the KALR Act to undertake research on Crops and livestock health, add at the end of the clause-", to avoid the contradiction
4.	Section 51 - Early warning systems for migratory pests	The Cabinet Secretary shall, in consultation with the Service, put in place mechanisms for early warning systems for migratory pests which mechanisms shall include	The Cabinet Secretary shall, in consultation with the Service, put in place mechanisms for early warning systems for migratory pests which shall include	Delete the word "Mechanisms" appearing before "shall"
5.	Section 52 - Reporting of migratory Pests	An occupier or owner of a land that is infested with any developmental stage egg, larvae, hoppers or adults of migratory pests shall report its occurrence to an authorised officer in the prescribed manner.	An occupier or owner of a land that is infested with any pest developmental stage egg, larvae, hoppers or adults of migratory pests shall report its occurrence to an authorised officer in the prescribed manner.	Add the word "Pest" after any for clarity

Yours faithfully,



Patrick K. Ketiem, PhD
DIRECTOR GENERAL

REF: NA/DDC/A&L/2026 (021)

8th April 2026

THE CLERK,
The National Assembly,
Office of the Clerk,
P.O. Box 41842 – 00100,
Main Parliament Buildings,
NAIROBI, KENYA.

Dear Sir,

REF: KSC STAKEHOLDER REPORT TO THE NATIONAL ASSEMBLY COMMITTEE ON AGRICULTURE AND LIVESTOCK ON THE PLANT PROTECTION BILL (NATIONAL ASSEMBLY BILL NO. 28 OF 2025)

1. Introduction

Kenya Seed Company Limited (KSC) appreciates the opportunity to present this memorandum to the Parliamentary Committee on Agriculture and Livestock regarding the Plant Protection Bill No. 28 of 2025.

As a government-affiliated seed company established in 1956, KSC plays a strategic role in the development, production, and marketing of quality certified seed across Kenya and the region. Our operations are guided by national legislation including the Seed and Plant Varieties Act (Cap 326), and International Standards under OECD Seed Schemes, ISTA and ISO 9001:2015 Quality Management Systems.

KSC welcomes the Bill as a timely effort to modernize Kenya's plant health regulatory framework to align with the Sanitary and Phytosanitary (SPS) requirements, promote biosecurity, and enhance agricultural productivity.

2. General Comments

We support the overall objective of the Bill — to provide for the prevention, control, and eradication of plant pests and diseases and regulate import/export of plants and plant products. However, the following considerations are crucial for effective implementation:

3. Specific Observations and Recommendations

a) Institutional Coordination

The Bill provides for the establishment of a Plant Protection Service (KEPHIS). This is welcome as long as there is no overlap between this Service (KEPHIS), the Pest Control Products Board (PCPB), Kenya Bureau of Standards (KEBS) and the County Governments. The mandate should be clearly delineated between agencies to avoid duplication.

b) Alignment with Seed Certification Systems

The Bill does not reference integration with existing Seed Certification and Variety Release systems under the Seed and Plant Varieties Act. Include provisions for collaboration between the proposed Plant Protection and Seed Certification to ensure pest management and plant health are integrated within the seed value chain.

c) Pest and Disease Emergency Response Fund

Provision for financing mechanisms are proposed through government allocation and private sector contributions to enable rapid containment of transboundary pests (e.g., Fall Armyworm, MLN, locusts).

d) Private Sector and Research Collaboration

The Bill emphasizes government-led interventions. There is need to incorporate private sector and research institutions in pest surveillance, seed health testing, and dissemination of resistant varieties.

e) Capacity Building and Extension

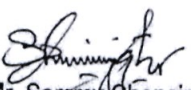
Implementation success depends on trained personnel and awareness among growers and seed producers. Provide for collaboration with seed companies and extension services in capacity building on pest diagnostics, surveillance, and biosecurity.

4. Conclusion

Kenya Seed Company Limited commends Parliament for reviewing and strengthening the legal framework governing plant protection. The Company reaffirms its commitment to supporting national efforts in plant health, food security, and agricultural transformation under the Bottom-up Economic Transformation Agenda (BETA).

We recommend that stakeholder consultations continue during the formulation of regulations to ensure practical, science-based, and industry-supported implementation.

Yours faithfully,


Mr. Sammy Chepsiror,
MANAGING DIRECTOR

27th April 2026

Clerk of the National Assembly
National Assembly
PO Box 41842-00100
Nairobi, Kenya



Dear Jeremiah

RE: KAMAU STEPHEN MBURU -(ID NUMBER 24591730-) REPRESENTING STAK.

Greetings from STAK

By way of this mail-We write to introduce the above named person-He will represent STAK in the upcoming parliamentary meeting scheduled on 28th April at 10am (Stakeholder engagement by the departmental committee on Agriculture and livestock on plant protection bill)

Stephen Mburu Kamau is a board member of STAK and will ably represent the association as the CEO and chairman are away on other pre-arranged engagements on this particular day

Kindly allow him to represent us.

Kind regards

Signed :

Joyce Karanja

Executive Officer

Seed Trade Association of Kenya

West Park Towers, 12th Floor, Westlands-Mpesi Lane off Muthithi Rd
P.O BOX 2581-00202 Nairobi, Kenya Tel: +254-20-258-7162 Email: stak@stak.or.ke Website: www.stak.or.ke
Sowing for the future



**Kenya Bureau of
Standards**
Standards for quality life

KEBS Head Office

P. O. Box 54974 Nairobi 00200
Tel: +254 (0) 20 694 8000
Mobile: 0722 202 137/8,
0734 600 471/2
Fax: +254 (0) 20 694 8575
E-Mail: Info@kebs.org
Web: <http://www.kebs.org>

KEBS Coast Region

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Fax: +254 (0) 41 229448
E-Mail: kebs-msa@kebs.org

KEBS Lake Region

P. O. Box 2949, Kisumu 40100
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Fax: +254 (0) 57 202 7814
E-Mail: kebs-kisumu@kebs.org

KEBS South Rift Region

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REF: KEBS/LEG/1/1

DATE: 1st April 2026

Mr. Samuel Njoroge, CBS
Clerk of the National Assembly
Main Parliament Buildings
P.O. Box 44832 - 00100
NAIROBI

Dear *Samuel,*

RE: STAKEHOLDER ENGAGEMENT BY THE DEPARTMENTAL COMMITTEE ON
AGRICULTURE AND LIVESTOCK ON THE PLANT PROTECTION BILL (NATIONAL
ASSEMBLY BILL NO. 8 OF 2025)

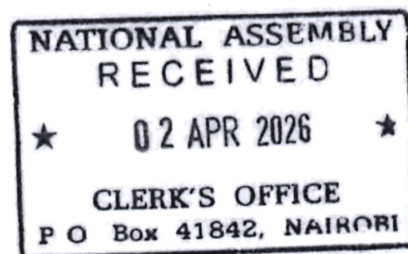
We refer to the subject matter and your letter dated 27th March 2026.

We thank you for the invitation to participate in this important legislative process, particularly the request to the stakeholder engagement.

We have reviewed the Plant Protection Bill (National Assembly Bill No. 28 of 2025) and wish to confirm that the Kenya Bureau of Standards has **no objection** to it as currently drafted. Accordingly, we will not be submitting a separate memorandum. In light of this, we request to be excused from attending the stakeholder engagement scheduled for Thursday, 2nd April 2026. We however remain available to provide any clarifications.

Yours *Sincerely,*


Esther Ngari, EBS
MANAGING DIRECTOR



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THE PLANT PROTECTION BILL, 2025**(NATIONAL BILL NO. 28 OF 2025)**

CLAUSE	PROPOSING ENTITY	PROVISION IN THE BILL	PROPOSED AMENDMENT	RATIONALE
2	KALRO	"Regulated pest" means a pest of potential economic importance to the Kenya, whether absent or if present not widely distributed, that is controlled by the Service	Amend the title of the Bill to read as follows— “ "Regulated pest" means a pest of potential economic importance to Kenya, whether absent or if present not widely distributed, that is controlled by the Service;”	Delete the word "the" appearing before "Kenya" for grammatical Correctness.
6 (g)	“	g)establishing and operating plant clinics;	Amend the title of the Bill to read as follows— “(g)establishing and operating plant clinics in partnership with crop health experts from KALRO and other research organizations;”	The clinics should be implemented and established jointly with KALRO since KALRO can provide technical backstopping on the operations within the clinics.
51 (1)	“	(1)The Cabinet Secretary shall, in consultation with the Service, put in place mechanisms for early warning systems for migratory pests which mechanisms shall include—	Amend the title of the Bill to read as follows— “(1)The Cabinet Secretary shall,in consultation with the Service, put in place mechanisms for early warning systems for migratory pests which shall include—“	Delete the word "Mechanisms" appearing before "shall".
52	“	52. An occupier or owner of a land that is infested with any developmental stage	Amend the title of the Bill to read as follows—	Add the word "Pest" after any for clarity

		egg, larvae, hoppers or adults of migratory pests shall report its occurrence to an authorised officer in the prescribed manner.	“52. An occupier or owner of a land that is infested with any pest developmental stage egg, larvae, hoppers or adults of migratory pests shall report its occurrence to an authorised officer in the prescribed manner.”	
57 (1)	“	(1)No person shall carry out research on regulated pests or articles without the approval of the Service	Amend the title of the Bill to read as follows— “(1)No person shall carry out research on regulated pests or articles without the approval of the Service unless authorized under the law.”	This clause contradicts the KALRO's mandate under the KALR Act to undertake research on Crops and livestock health, add at the end of the clause-", to avoid the contradiction