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SMA
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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
DIRECTORATE OF DEPARTMENTAL COMMITTEES
PARLIAMENT BUILDINGS
NAIROBI**

JUNE, 2026



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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>Thaumatotibia 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
PRA _s / 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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- Annexure 5: Letter Inviting Stakeholders for a Meeting with the Committee
- Annexure 6: Stakeholder Submissions

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.

I.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

Kwanza Constituency

Ford Kenya Party

Hon. Monicah Muthoni Marubu, MP

Lamu County

Independent Member

Hon. Geoffrey Makokha Odanga, MP

Matayos Constituency

ODM Party

Hon. Patrick Kibagendi Osero, MP

Borabu Constituency

ODM Party

Hon. Justice Kipsang Kemei, MP

Sigowet/Soin Constituency

UDA Party

Hon. Yussuf Mohamed Farah, MP

Wajir West Constituency

ODM Party

Hon. Jared Odoyo Okelo, MP

Nyando Constituency

ODM Party

Hon. Ruth Adhiambo Odinga, MP .

Kisumu County

ODM Party

Hon. Lawrence Mpuru Aburi, MP

Tigania East Constituency

NOPEU Party

Hon. John Okwisia Makali, MP

Kanduyi Constituency

Ford Kenya Party

Hon. David Kiplagat, MP

Soi Constituency

UDA Party

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:
- Governance Framework: Operated under the Ministry of Agriculture, Animal Industry and Fisheries (MAAIF), specifically through the Commissioner for Crop Protection.
 - Strategy & Mechanisms: Focuses heavily on border inspections, nursery certifications, and early warning reporting systems to safeguard food crops.
 - 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:
- Governance Framework: Led by the Ministry of Agriculture and Livestock (MAPA) through its Department of Plant Health and Inspection.
 - 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).
 - 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:
- Governance Framework: Executed at the federal level by the USDA's Animal and Plant Health Inspection Service (APHIS).
 - Strategy & Mechanisms: Governs both international imports and interstate agricultural traffic through strict permitting, border holds and data-driven pest tracking systems.
 - 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:
- Governance Framework: Managed by the federal Department of Agriculture, Fisheries and Forestry (DAFF).
 - 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 (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.

SIGNED:  DATE: 16/06/2026
HON. (DR.) JOHN KANYUTHIA 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:	Komale



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	

