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THE NATIONAL ASSEMBLY

THIRTEENTH PARLIAMENT- FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

REPORT ON:

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

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

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TABLE OF CONTENTS

LIST OF ABBREVIATIONS AND ACRONYMS 2
LIST OF ANNEXURES 3
CHAIRPERSON'S FOREWORD 4
1.0 PREFACE 6
1.1 INTRODUCTION 6
1.2 MANDATE OF THE COMMITTEE 6
1.3 COMMITTEE SUBJECTS 6
1.4 COMMITTEE MEMBERSHIP 7
1.5 COMMITTEE SECRETARIAT 8
2.0 BACKGROUND TO THE PEST CONTROL PRODUCTS BILL, 2025 9
2.1 CONTEXT OF PEST CONTROL PRODUCTS LEGISLATION 9
2.2 EVOLUTION OF PESTICIDE LEGISLATION IN KENYA 9
2.3 RATIONALE FOR THE PEST CONTROL PRODUCTS BILL, 2025 9
2.4 COMPARATIVE ANALYSIS 10
3.0 OVERVIEW OF THE PEST CONTROL PRODUCTS BILL, 2025 13
3.1 INTRODUCTION 13
3.2 OBJECTIVES OF THE BILL 13
3.3 INSTITUTIONAL FRAMEWORKS PROPOSED IN THE BILL 14
3.4 REGULATORY FRAMEWORK 15
3.5 PROVISIONS OF THE BILL - CLAUSE BY CLAUSE 16
4.0 PUBLIC PARTICIPATION / STAKEHOLDERS CONSULTATION 18
4.1 THE PEST CONTROL PRODUCTS BOARD (PCPB) 18
4.2 THE KENYA BUREAU OF STANDARDS (KEBS) 21
4.3 THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA) 23
4.4 THE COUNCIL OF GOVERNORS (COG) 28
4.5 KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ORGANIZATION 36
4.6 KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS) 39
4.7 THE MINISTRY OF HEALTH 41
4.8 AAK-GROW/CROPLIFE KENYA 43
4.9 AGROBIODIVERSITY AND AGROECOLOGY STAKEHOLDERS 44
4.10 MS. LYDIA NYAWIRA MBURIA 48
4.11 NATURE KENYA (THE EAST AFRICA NATURAL HISTORY SOCIETY) 49
5.0 COMMITTEE OBSERVATIONS 52
6.0 COMMITTEE RECOMMENDATION 54
7.0 SCHEDULE OF PROPOSED AMENDMENTS 55

LIST OF ABBREVIATIONS AND ACRONYMS

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

LIST OF ANNEXURES

Annexure 1: Report Adoption Schedule

Annexure 2: Minutes

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

Annexure 4: Copy of the Newspaper Advertisement on Public Participation

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

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

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

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

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

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

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

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

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

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

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

1.0 PREFACE

1.1 INTRODUCTION

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

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

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

1.2 MANDATE OF THE COMMITTEE

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

1.3 COMMITTEE SUBJECTS

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

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

1.4 COMMITTEE MEMBERSHIP

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

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

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

Members

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

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

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

Hon. Monicah Muthoni Marubu, MP
Lamu County
Independent Member

Hon. Geoffrey Makokha Odanga, MP
Matayos Constituency
ODM Party

Hon. Patrick Kibagendi Osero, MP
Borabu Constituency
ODM Party

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

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

Hon. Jared Odoyo Okelo, MP
Nyando Constituency
ODM Party

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

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

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

Hon. David Kiplagat, MP
Soi Constituency
UDA Party

1.5 COMMITTEE SECRETARIAT

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

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

Mr. Victor K. Kilimo
Clerk Assistant III

Ms. Evelyne Orina
Clerk Assistant III

CPA Robert Ng'etich
Fiscal Analyst I

Mr. Shadrack Musyoki
Senior Research Officer

Mr. Gerald Kadede
Legal Counsel I

Mr. Calvin Karung'o
Media Relations Officer III

Mr. John Ng'ang'a
Audio Recording Officer

Ms. Jacinta Maru
Serjeant-at-Arms

2.0 BACKGROUND TO THE PEST CONTROL PRODUCTS BILL, 2025

2.1 CONTEXT OF PEST CONTROL PRODUCTS LEGISLATION

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

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

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

2.2 EVOLUTION OF PESTICIDE LEGISLATION IN KENYA

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

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

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

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

2.3 RATIONALE FOR THE PEST CONTROL PRODUCTS BILL, 2025

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

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

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

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

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

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

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

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

2.4 COMPARATIVE ANALYSIS

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

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

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

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

3.0 OVERVIEW OF THE PEST CONTROL PRODUCTS BILL, 2025

3.1 INTRODUCTION

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

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

3.2 OBJECTIVES OF THE BILL

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

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

3.3 INSTITUTIONAL FRAMEWORKS PROPOSED IN THE BILL

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

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

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

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

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

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

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

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

3.4 REGULATORY FRAMEWORK

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

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

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

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

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

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

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

3.5 PROVISIONS OF THE BILL - CLAUSE BY CLAUSE

Part I — Preliminary

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

Part II— The Pest Control Products Authority

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

Part III— Inspectors and Analysts

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

Part IV— Registration of Pest Control Products

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

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

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

Part V— Importation, Exportation and Research

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

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

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

Part VII— Laboratory Analytical Services

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

Part VIII — Financial Provisions

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

Part IX – Miscellaneous Provisions

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

Part X - Repeal, Savings and Transitional Provisions

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

SCHEDULE

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

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

4.0 PUBLIC PARTICIPATION / STAKEHOLDERS CONSULTATION

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

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

    The stakeholders submitted as follows:

4.1 THE PEST CONTROL PRODUCTS BOARD (PCPB)

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

Clause 2 (Interpretation)

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

Justification

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

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

Committee Observation/Recommendation

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

Clause 6

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

Justification

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

Committee Observation/Recommendation

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

Clause 8(b)

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

Justification

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

Committee Observation/Recommendation

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

New Clause 8(ha) and (hb)

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

Justification

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

Committee Observation/Recommendation

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

New Clause 8A (Role of the Controller)

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

Justification

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

Committee Observation/Recommendation

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

Clause 11(b)

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

Justification

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

Committee Observation/Recommendation

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

Clause 23(f)

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

Justification

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

Committee Observation/Recommendation

The proposal was adopted by the Committee to avoid repletion.

Clause 69(2)

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

Justification

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

Committee Observation/Recommendation

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

4.2 THE KENYA BUREAU OF STANDARDS (KEBS)

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

Clause 2 (Interpretation)

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

Justification

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

Committee Observation/Recommendation

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

Clause 8(d)

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

Justification

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

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

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

Committee Observation/Recommendation

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

Clause 9(2)

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

Justification

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

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

Committee Observation/Recommendation

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

Clause 28(3)

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

Justification

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

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

Committee Observation/Recommendation

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

4.3 THE NATIONAL ENVIRONMENT MANAGEMENT AUTHORITY (NEMA)

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

General Observations

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

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

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

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

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

The Authority submitted the following specific comments:

Clause 3(1)(i)

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

Justification

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

Committee Observation/Recommendation

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

Clause 3(1)(m)

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

Justification

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

Committee Observation/Recommendation

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

Clause 4(a)

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

Justification

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

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

Clause 8(c)

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

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

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

Clause 8(h)

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

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

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

Clause 8(l)

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

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

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

Clause 8(m)

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

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

Committee Observation/Recommendation

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

Clause 8(n)

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

Justification

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

Committee Observation/Recommendation

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

Clause 9 (Board composition)

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

Justification

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

Committee Observation/Recommendation

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

Clause 23(d)

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

Justification

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

Committee Observation/Recommendation

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

Clause 48(2)(g)

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

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

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

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

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

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

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

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

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

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

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

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

4.4 THE COUNCIL OF GOVERNORS (COG)

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

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

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

The Council proposed the following specific amendments:

Clause 4

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

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

Clause 8(d)

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

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

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

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

Clause 8(f)

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

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

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

Clause 8(g)

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

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

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

Clause 8(l)

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

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

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

Clause 8(n)

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

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

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

Clause 10(b)

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

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

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

Clause 21(c)

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

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

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

Clause 21(d)

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

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

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

Clause 23(g)

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

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

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

Clause 24(c)

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

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

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

Clause 24(g)

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

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

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

Clause 25(1)

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

Justification

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

Committee Observation/Recommendation

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

Clause 27(8)

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

Justification

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

Committee Observation/Recommendation

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

Clause 42(2)

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

Justification

To provide for the participation of counties in research processes.

Committee Observation/Recommendation

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

Clause 43(1)

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

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

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

Clause 45(2)

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

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

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

Clause 47(1)

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

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

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

Clause 47(2)

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

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

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

Clause 47(3)

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

Justification

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

Committee Observation/Recommendation

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

Clause 48(1)

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

Justifications

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

Committee Observation/Recommendation

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

Clause 48(2)

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

Justification

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

Committee Observation/Recommendation

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

Clause 48(3)

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

Justification

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

Committee Observation/Recommendation

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

Clause 48(4)

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

Justification

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

Committee Observation/Recommendation

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

Clause 49(1)

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

Justification

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

Committee Observation/Recommendation

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

Clause 51(3)

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

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

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

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

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

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

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

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

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

4.5 KENYA AGRICULTURAL AND LIVESTOCK RESEARCH ORGANIZATION

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

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

Justification

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

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

Clause 21(e)

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

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

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

Clause 23(b)

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

Justification: Rephrase to read as proposed for grammatical flow.

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

Clause 27(4)

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

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

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

Clause 27(5)(a)(iii)

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

Justification: Rephrase the clause for syntactical clarity.

Committee Observation/Recommendation

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

Clause 38(1)

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

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

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

Clause 69(2)

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

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

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

Additional Comments

121. KALRO further proposed that the Bill incorporate the following provisions:

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

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

4.6 KENYA PLANT HEALTH INSPECTORATE SERVICE (KEPHIS)

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

Board Composition (Clause 9)

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

Justification: Enhances scientific and technical decision making.

Committee Observation/Recommendation

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

Registration of Pest Control Products (Clause 27)

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

Justification: Supports evidence-based decisions.

Committee Observation/Recommendation

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

EAC Guidelines Application (Clause 30)

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

Justification: Protects national interests and export obligations.

Committee Observation/Recommendation

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

Re-evaluation of Registered Products (Clause 32)

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

Justification: Ensures continued product safety.

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

Banned and Restricted Products (Clause 37)

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

Justification: Improves transparency and compliance.

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

Counterfeit Pest Control Products (Clause 38)

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

Justification: Reduces illegal pesticide trade.

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

Research Authorization (Clause 42)

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

Justification: Supports innovation and local evidence generation.

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

Local Innovation and Development (Clause 43)

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

Justification: Supports the agricultural transformation agenda.

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

Importation and Export Controls (Clause 40)

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

Justification: Improves efficiency and compliance.

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

Manufacture, Distribution, Sale and Use (Clause 41)

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

Justification: Improves surveillance and recall capability.

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

Inspection Powers (Clauses 21 and 24)

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

Justification: Avoids duplication and conflict.

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

4.7 THE MINISTRY OF HEALTH

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

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

Recognition of the Health Sector

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

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

Strengthening Public Health Protection

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

Environmental and Human Health Monitoring

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

One Health and Inter-sectoral Coordination

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

Emergency Preparedness and Response

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

Capacity Building

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

Alignment with National and International Obligations

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

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

Committee Observation/Recommendation

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

4.8 AAK-GROW/CROPLIFE KENYA

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

Part III, Inspectors and Analysts

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

Part IV, Registration of Pest Control Products

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

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

Part V, Importation, Exportation and Research

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

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

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

Committee Observation/Recommendation

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

4.9 AGROBIODIVERSITY AND AGROECOLOGY STAKEHOLDERS

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

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

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

The following are the key thematic issues and stakeholder proposals:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4.10 MS. LYDIA NYAWIRA MBURIA

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

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

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

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

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

Proposed Amendment:

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

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

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

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

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

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

4.11 NATURE KENYA (THE EAST AFRICA NATURAL HISTORY SOCIETY)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.0 COMMITTEE OBSERVATIONS

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

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

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

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

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

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

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

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

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

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

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

6.0 COMMITTEE RECOMMENDATION

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

7.0 SCHEDULE OF PROPOSED AMENDMENTS

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

CLAUSE 2

THAT, Clause 2 of the Bill be amended—

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

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

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

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

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

CLAUSE 4

THAT, Clause 4 of the Bill be amended—

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

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

CLAUSE 6

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

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

CLAUSE 8

THAT, Clause 8 of the Bill be amended—

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

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

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

CLAUSE 10

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

CLAUSE 11

THAT, Clause 11 of the Bill be amended—

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

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

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

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

CLAUSE 19

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

CLAUSE 20

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

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

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

CLAUSE 21

THAT, Clause 21 of the Bill be amended—

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

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

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

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

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

CLAUSE 23

THAT, Clause 23 of the Bill be amended—

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

(b) by deleting paragraph (f); and

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

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

CLAUSE 24

THAT, Clause 24 of the Bill be amended—

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

(b) by deleting paragraph (e); and

(c) by deleting paragraph (f).

CLAUSE 26

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

CLAUSE 27

THAT, Clause 27 of the Bill be amended—

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

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

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

CLAUSE 28

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

CLAUSE 34

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

CLAUSE 37

THAT, Clause 37 of the Bill be amended—

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

CLAUSE 38

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

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

CLAUSE 39

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

CLAUSE 42

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

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

CLAUSE 69

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

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

NEW CLAUSE 8A

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

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

NEW CLAUSE 74

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

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

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

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

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

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

SIGNED: ..... DATE: 14/10/2020

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

THE NATIONAL ASSEMBLY
PAPERS LAID
DATE: 14 OCT 2020 DAY. WEDNESDAY
TABLED BY: MEMBER COMMITTEE AGRICULTURE & LIVESTOCK
CLERK-AT THE-TABLE: MIRIAM MOSO

Annexure 1: **Report Adoption Schedule**

THIRTEENTH PARLIAMENT - FIFTH SESSION - 2026

DEPARTMENTAL COMMITTEE ON AGRICULTURE AND LIVESTOCK

ADOPTION SCHEDULE

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

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