

PEST CONTROL PRODUCTS (LICENSING OF PREMISES AND BUSINESS) REGULATIONS, 2022

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FORMS

PEST CONTROL PRODUCTS (LICENSING OF PREMISES AND BUSINESS) REGULATIONS, 2022

1. Citation

These Regulations may be cited as the Pest Control Products (licensing of premises and business) Regulations, 2022

2. Interpretation

“Board Inspector ‘means an inspector appointed under Regulation 4 pursuant to Section 8 of the Act;

“Cabinet Secretary” Cabinet Secretary means the Cabinet Secretary Responsible for matters relating to agriculture

“County Inspector “means an inspector appointed under Regulation 4 pursuant to Section 8 of the Act;

“Disposal” any operation to recycle, neutralize destroy or isolate pest control product waste, used containers or contaminated materials.

“Premises” means building structure enclosure or open space on which a pest control product business is located

“Sell” includes barter, exchange, export for or in pursuance of sale, agree to sell, or to offer, advertise, keep, expose, transmit, convey, deliver or manufacture for sale or to exchange or to dispose of to any person in any manner for any consideration whatever, or to transmit, convey or deliver in pursuance of a sale, exchange or disposal as aforesaid; and ‘sale’ shall be construed accordingly;

3. Role of County Governments

- (1) The Department of Agriculture in County Governments shall in collaboration with the Board undertake the following functions relating to pest control products;
 - (a) Nomination of persons for appointments as County inspectors
 - (b) Promoting good agricultural practices among farmers
 - (c) Training and awareness creation of agro-dealers, farmers and the public on responsible use of pest control products; and,
 - (d) Designating and establishing Pest Control Products waste collection and disposal sites in collaboration with The National Environment Management Authority (NEMA); and

(2) The Board may collaborate with other relevant county departments in matters related to pest control products

4. Appointment and designation of inspectors

(1) The Board may nominate for appointment by the Cabinet Secretary, as Board inspectors and Board analysts, as may be necessary for the performance of its functions under the Act.

(2) The county government may nominate and submit names of qualified persons to the Board for appointment as County Inspectors by the Cabinet Secretary

(3) Inspectors and analysts appointed under this Regulation shall be through Kenya Gazette

5. Powers of Board Inspectors

(1) An inspector appointed under regulations 4(1) may, at all reasonable times in the performance of the functions under this Act –

(a) enter and inspect any premises –

(i) in which he reasonably believes a pest control product to which the Act applies is or has been manufactured, stored, sold or used;

(ii) in which he reasonably believes there is material that is contaminated by a pest control product; or

(iii) which is or are being used in the manufacture of a pest control product;

(b) examine any pest control product or material found in any place or premises, or open any package found therein that he has reason to believe contains any pest control product or material and take samples thereof;

(c) require any person to produce for inspection or for the purpose of obtaining copies thereof or extracts there from, any books, shipping bills, bills of lading, documents containing instructions, or other documents or papers concerning any matter relevant to the administration of the Act or this Regulation.

(d) recommend for issuance a premises or business license upon inspection for compliance with licensing of premises and business regulations under the Act;

(e) order any person to present any pest control product or other thing for inspection in any manner and under any conditions that the inspector considers necessary to conduct an inspection.

(2) An inspector shall be issued with a certificate of appointment as an inspector, and shall on entering any place or premises referred to in subsection (1), if so required by the person in charge thereof, produce the certificate as proof of identification.

(3) The owner or person in charge of any place or premises referred to in paragraph (1) (a) and every person found therein shall give an inspector all reasonable assistance to enable the inspector to carry out his duties and functions under the Act and this regulations, and shall furnish the inspector with such information with respect to enforcement of the provisions of the Act and regulations made there under as he may reasonably require.

(4) Any person who-

(a) willfully refuses entry to an inspector acting under this section;

(b) knowingly obstructs an inspector in making an entry or making an inspection commits an offence.

(5) Any person who contravenes subsections (4) (a) and (b) above or obstructs or impedes an officer or other employee or an agent of the Board in the exercise of any of the powers, or the performance of any of the functions conferred or imposed upon him by the Act commits an offence and is liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a term not exceeding six months or to both.

(6) Any person who without reasonable excuse, fails to produce any pest control product or material for examination, any document the production of which is required of him under this section, commits an offence and is liable on conviction to a fine not less than fifty thousand shillings and not exceeding two hundred and fifty thousand shillings or imprisonment of a term not exceeding six months or both.

6. Role of County Inspectors

(1) A County inspector shall, for purposes of enforcing provision of this Act and in consultation with the Board: -

(a) Report cases of suspected counterfeit Pest Control Products and other nonconforming products to the Board;

(b) Map out and maintain a record of pest control products premises within their counties;

(c) Monitor the collection and management of empty pesticide container collection sites and disposal of pest control products wastes;

(d) Train, advise and create awareness to agro dealers and farmers on responsible use of pest control products

(e) At all reasonable times and upon producing his identification, enter premises for evaluation and take samples of suspected illegal products and report to the Board for further action;

(f) Stop and inspect any consignment containing suspected illegal Pest Control Products within the County and report to the Board for further action;

(g) Stop the sale of Pest Control Products in open markets and any other unauthorized places;

- (2) Without prejudice to subsection (1) above, the County Inspectors shall not exercise powers of an inspector that relate to—
- (a) Seizing of non-complying Pest Control Products;
 - (b) Recommending and issuing of Pest Control Products premises/ Business licenses
 - (c) Any other activities under this Act that are outside the jurisdiction of their counties;

7. Licensing of business premises and businesses handling pest control products.

(1) No person shall use any premises, or being the owner or occupier thereof permit or allow the premises to be used, for the purposes of manufacturing, formulating, packaging, selling or storing pest control products unless that person is in possession of a valid license issued under these Regulations in respect of those premises.

(2) No person shall operate any business in pest control products unless that person is in possession of a valid license issued under these regulations in respect of that business.

8. Application for premises and business licence

(1) An application for a licence under these Regulations shall be in Form A in the Schedule and shall be accompanied by the prescribed application fee.

(2) An applicant for a licence shall, on request by the Board, supply any information that may be required for the purposes of these Regulations.

(3) An application will be considered for licensing upon payment of prescribed fees;

- (a) Application fees
- (b) Premises and/or business license fees

9. Issue and expiry of licence

(1) Upon payment of the prescribed fees, the applicant will be issued with a provisional license prior to inspection as set out in Form B1.

(2) A license shall only be issued upon compliance with set requirements and payment of prescribed fees

(3) Every licence issued under these Regulations shall be in Form B in the Schedule, and shall expire on the 31st December next following the date of issue.

(4) No person to whom a licence has been issued under these Regulations shall lend, hire, sell, transfer or otherwise dispose of that licence without the approval of the Board which approval shall be endorsed on the licence.

(5) No licence shall be transferred from the premises in respect of which it was issued.

(6) A licensee who is unable to transact business in pest control product shall inform the Board within ninety (90) days of closure, failure to which premises fees accruing will be payable to the Board.

(7) Any business that has not renewed the license by 31st March of the current year shall be liable for a penalty 10% of the outstanding amount per year.

10. Layout and construction of manufacturing, formulating, packaging and storing premises

(1) All premises used for the manufacturing, formulating, packaging or storing of pest control products shall—

- (a) be of a suitable design, layout and construction to ensure the health of workers and to avoid contamination of the environment;
- (b) have sufficient space for the placement of equipment and storage of materials which is necessary for the health of workers and operators;
- (c) have separate areas, either by physical partition, location or other effective means, for those operations which do not require workers to be exposed to pest control products.
- (d) where applicable, be in possession of certificate of compliance with the provisions in Occupational Health and Safety Act.

(2) No license shall be issued under these Regulations as set out in Form C in the Schedule unless the Board is satisfied that the provisions of these Regulations have been complied with.

11. Protection of workers and operators and quality of products

(1) Every person who owns, operates or is in charge of premises used for the manufacturing, formulating, packaging, distribution or storing of pest control products shall ensure that—

- (a) During the operation—
 - (i) the persons working in the premises wear adequate protective clothing;
 - (ii) The premises are well supplied with first-aid facilities to the satisfaction of the Board to cater for accidental poisoning;
 - (iii) the general health of the persons working on the premises is adequately catered for; and
 - (iv) Operators in formulation facilities, large stores, and large commercial farms be subjected to periodical medical check

ups including cholinesterase levels.

- (v) Where applicable, be in possession of certificate of compliance with the provisions in the Occupational Safety and Health Act

(b) (i) The owner of the premises shall ensure that pest control products are registered and quality is guaranteed.

(ii) No person shall manufacture, repack, stock, or sell counterfeit, expired, unregistered, smuggled and improperly packed pest control products.

12. Essential requirements for distributors and retailers of pest control products

Every person who owns, operates, or is in charge of: -

- (a) Premises licensed under these Regulations shall ensure that the products are packaged and labeled as required by the provisions of this Act and the Regulations and shall keep stock records for a minimum of five years;
- (b) Pest control product stores and other dispensing premises shall have adequate knowledge of efficacy, uses and handling precautions of all pest control products within the premises to the satisfaction of the Board
- (c) Premises licensed under these Regulations shall provide adequate water and general cleanliness to facilitate safe dispensing of the products; ensure physical separation of pest control products stores from food stores and keep stock records for all pest control products in the premises.
- (d) Premises dealing pest control products shall have appropriate pest control products waste disposal facilities to safe guard human and environment.

(The relevant qualification and a photograph for qualified persons shall be conspicuously displayed in the premises.

13. Minimum qualifications for operating a pest control product business:

- (a) (i) Manufacturing and formulating plants- Bachelor of science in Chemistry or related sciences for conventional pest control products or Bachelor of Science in Biological Sciences or related sciences for biopesticides
- (ii) Packaging and Repackers - Diploma in chemistry or relevant sciences
- (iii) Storage and use-Certificate in agriculture or relevant sciences
- (iv) Retail outlets/distributor/Hardware stores- Certificate in agriculture, animal health or related science.

(v) (a) Spray service providers; certificate in agriculture, animal health and related sciences and have attended spray service providers training organized by the Board or any other institution recognized by Board. OR

(b) Have attended a spray service providers training organized by Board or any other institution recognized by the Board.

(vi) Pest control operators; certificate in agriculture, animal health and related science and have attended a pest control operator training organized by Board or any other institution recognized by the Board

14. Distribution

A pest control product shall be distributed in accordance with such condition as the Board shall specify.

15. Class 1 and restricted pest control products

(1) Any person who intends to handle, use, distribute, transport or deal in a Pest Control Product under restricted class shall apply to the Board for a permit in the prescribed Form D in the Schedule.

(2) No person shall handle, use, distribute, transport or deal in a Pest Control Product under restricted class without a permit from the Board in the prescribed Form E in the Schedule.

16. Seizure of non-complying pest control products

(1) A Board inspector may seize non-complying pest control product.

(2) The inspector shall take inventory of the seized pest control product in Form F in the Schedule.

17. List of licensed premises, businesses dealing with Pest Control Product and licensed commercial spray service providers

(1) The Board and the County governments shall establish and maintain a list of licensed premises and businesses dealing with pest control products and licensed commercial spray service providers.

(2) The Board and the County governments shall share information in (1) above with relevant stakeholders.

18. Stock records

Every person licensed under this Act shall keep records in the prescribed format (Form G) indicating:

(i) name and address of supplier and license number

(ii) name and quantity of product

(iii) date and place of sale

Failure to keep records may result in suspension or cancellation of license

19. Cancellation or suspension or revocation of licence

(1) The Board may cancel or suspend for a period it deems fit the licence issued under these Regulations if satisfied that—

(a) the licensee, employee or agent has contravened the provisions of the Act or the Regulations made under it.

(b) the licensee, employee or agent has been convicted of an offence under the Act; or

(c) the licensee, employee or agent has breached any of the terms or conditions of the licence; or

(d) for any other reason, that it is in public interest to do so.

(2) Before cancelling or suspending a licence under this Regulation, the Board shall give the licensee twenty-one days' notice to show cause why the licence should not be cancelled or suspended upon which the Board shall make a decision.

(3) The information on licence cancellation, suspension or revocation under 10(2) shall be made known to the holder in writing and the public notified through relevant media.

20. Offences and Penalties

Any person who does not comply with this Regulation commits an offence

21. Repeals

The Pest Control Products (Licensing of Premises) Regulations (L.N. 45 of 1984, and L.N. 124 of 2006) are hereby repealed

SCHEDULE

FORM A

PEST CONTROL PRODUCTS ACT

**THE PEST CONTROL PRODUCTS (LICENSING OF PREMISES AND BUSINESS)
(REGULATIONS, 2022)**

Application for a Licence

The Chief Executive Officer/Secretary
Pest Control Products Board Board
Loresho-off waiyaki way
P.O. Box 13794-00800,
Nairobi

1. Name and address of applicant (s).....

2. Name and address of person, firm or company to be issued with licence

.....

Telephone.....Email.....

3. Full names of partners and/or directors (where applicable)

.....

4. Type of business for which a licence is required

6. Plot No./L.R.No.

7. Physical Location Road/Street.....

8. Town /market..... County

9. Name and qualifications of the person under whom operation/trading will be
undertaken (Attach evidence).....

Date.....

Signature of applicant.....

For Official Use Only

Fee paid.....

Date.....

Receipt Number

Signature of receiving Officer.....

PEST CONTROL PRODUCTS ACT

(Cap.....)

**THE PEST CONTROL PRODUCTS (LICENSING OF PREMISES AND BUSINESS)
(REGULATIONS, 2022)**

FORM C

PEST CONTROL PRODUCTS BOARD

(A Statutory Organization of Kenya Government)

HEAD OFFICE

Loresho-off waiyaki way
P.O. Box 13794-00800 Nairobi, Kenya

[Tel: 254-020-8021846/7/8](tel:254-020-8021846/7/8)

Fax: 254-020-8021865

Mobile: 0722480904/0735778743

Email: md@pcpb.go.ke / info@pcpb.go.ke

Website: <https://www.pcpb.go.ke/>

FORM C

PREMISES INSPECTION REPORT

A. Inspection of Premises

During inspection of Pest control Products Premises, the following Items shall be examined and comments made in order that the correct action can be taken with regard to Licencing. A copy of the Inspection report shall be left with the owner or person in-charge of the premise. The original shall be returned to the Pest Control Products Board Name and Address of Applicant/ Business....

-
-
-
1. Type of Business.....
 2. Physical Location of Premises
 3. L.R. No. / Plot No.....
 4. Fees PaidReceipt No.....
-

B. Specific Requirements

ITEM		COMPLIANCE WITH REQUIREMENTS		INSPECTOR'S RECOMMENDATION TO OWNER
		YES	NO	
	PHYSICAL FACILITIES			
1.	Suitable design, layout and construction for manufactures : evidence of compliance to Occupational Safety And Health Act			
2.	Sufficient space for free movement of personnel, products and equipment			
3.	Floors- Smooth & impermeable			
4.	Adequate Ventilation/Aeration allow free movement of air			
5.	General cleanliness			
	PROTECTION FOR WORKERS			
6.	Separate areas for workers who are not handling pesticides			
7.	Suitable Personal Protective clothing			
8.	Adequate First Aid measures			
9.	Appropriate Fire extinguisher			
10.	Adequate running water within premises			
11.	Pesticides risks register and records of incidences/occurrence for manufacturers and large scale users			
12.	Periodic (6 months) medical assessment for personnel handling pesticides			
13.	Compliance with operational good manufacturing practices/Good Agricultural practices for Manufacturers large scale users			
	PROTECTION OF THE PUBLIC AND MAINTENANCE OF PRODUCT QUALITY			
14.	Physical separation of pharmaceuticals and			

	animal feeds from pesticides			
15.	Proper Storage and stacking of products			
16.	All products must be registered and labelled as required by Law			
16.	All labels should show date of manufacture and shelf life			
17.	Stock records kept			
18.	Qualified operators for manufacturing, formulation/large scale use premises			
19.	Qualified operator for store and dispensing premises/pest control operators			
20.	PROTECTION OF THE ENVIRONMENT			
21.	Appropriate waste disposal mechanisms e.g saw dust, sand, soil			
22.	Sufficient banding of store			
23.	Dustbin for disposal			
24.	Pest control products effluent deactivation system in place for manufacturers and large scale users			

C. General Recommendations

I certify that I have inspected the premises described above and it is my considered opinion that a licence should/should not be issued /withdrawn for the premises.

The following defects should be rectified (Specify items by numbers).

.....

1. Signature of Inspector;

Date.....

Name of Inspector;

2. Signature of Inspector; Date.....

Name of Inspector;

NOTE

In case the Inspector's report reveals defects in the fulfilment of the requirements by the Pest Control Products Act, and therefore a recommendation not to provide a licence to the owner of the premise by copy of this report shall be allowed a period of 60 days to rectify the defects and comply with the law. He will be allowed a further 14 days in which to re-apply for a licence. If

after a subsequent inspection the premise fails to meet the requirements, the business shall forthwith be closed and court actions taken in case of further default.

FORM D

(r.8(1))

PEST CONTROL PRODUCT ACT

[Cap.346]

PEST CONTROL PRODUCTS (LICENSING OF PREMISES AND BUSINESS)

REGULATIONS, 2022

**APPLICATION FOR PERMIT TO DEAL IN PEST CONTROL PRODUCTS UNDER
RESTRICTED CLASS**

Name and address of applicant.....

Status and address of applicant (Manufacturer, Agent, Registrant, Distributor, User).....

Name and address of registrant of pest control product.....

Trade name, Formulation, Concentration.....

Registration No

Target pest/disease.....

Package type.....

Quantity.....

Signature of applicant.....

Date.....

FORM E

THE PEST CONTROL PRODUCT ACT

[Cap.346]

PERMIT NO E

THE PEST CONTROL PRODUCTS (LICENSING OF PREMISES AND BUSINESS)

REGULATIONS, 2022

PERMIT TO DEAL IN PEST CONTROL PRODUCTS UNDER RESTRICTED CLASS

This permit is granted to.....

To sell/store/transport/use product.....

Registration Number.....At plot number.....

L.R. NO.....Situated.....

Date.....



PEST CONTROL PRODUCTS BOARD
(A Statutory Organization of Kenya Government)

PEST CONTROL PRODUCTS (LICENSING OF PREMISES AND BUSINESS)
REGULATIONS, 2022

FORM F

SEIZURE FORM

Your Ref:..... Date:
Our Ref:.....

RE: UNREGISTERED/ SMUGGLED/COUNTERFEIT PEST CONTROL PRODUCTS/OPERATING WITHOUT PREMISES LICENCE

The following Pest Control Products were found in your premises oncontrary to the provision of the Pest Control Act (Cap 346) and the regulations made thereunder.

- 1.
- 2.
- 3.
- 4.

By virtue of Sect 10(1), the undersigned Pest Control Products Board Inspectors hereby seize the above products pending prosecution.

INSPECTORS

SIGNATURE

DATE

.....
.....

CERTIFICATE

I ID No. of Position
certify that the above products were found in my premise on

Signature

**PEST CONTROL PRODUCTS (DISPOSAL)
REGULATIONS, 2022
S 15(1)**

The Pest Control Products Act is amended by the repeal of Pest Control Products (disposal) regulations (LN.126 of 2006) and their replacement with the following new regulation:-

**PEST CONTROL PRODUCTS (DISPOSAL) REGULATIONS, 2022
ARRANGEMENT OF REGULATIONS**

1. Citation.
2. Disposal of pest control products.
3. Application for pest control products disposal licence.
4. Cancellation or suspension of licence.
5. Management of empty pest control product containers

SCHEDULE

PEST CONTROL PRODUCTS (DISPOSAL) REGULATIONS, 2022

1. Citation

These Regulations may be cited as the Pest Control Products (Disposal) Regulations, 2022.

2. Disposal of pest control products

(1) No person shall dispose of any pest control product or their containers in a manner that shall be detrimental to man, animal and the environment.

(2) No person shall carry out any disposal of pest control products, pest control product containers, pesticide waste or treated seeds for commercial purposes unless that person or institution is in possession of a licence under these Regulations and all provisions of the Act have been complied with.

(3) Without prejudice to the provisions of the Environmental Management and Co-ordination Act, any person or institution desiring a licence for disposal of pest control products for commercial purposes shall apply to the Board for a licence in the prescribed Form A set out in the Schedule and shall be accompanied by the prescribed fees.

(4) The use of any pest control product disposal method shall be approved by the Board subject to specific requirements laid down by the Board.

(5) The trans-boundary movements of pest control products for disposal shall be subject to ratified conventions, protocols, treaties or agreements to which Kenya is a party.

3. Application for pest control products disposal licence

(1) The Board may approve an application made under Regulation 8 and shall issue a licence as set out in **Form B** in the Schedule if it is satisfied that—

- (a) the application contains the information required under these Regulations;
- (b) approved methods of disposal would be used or applied;
- (c) the applicant has sufficient expertise to dispose of the pest control products in question.
- (d) the applicant has the necessary approvals as set out in the Environmental Management and Co- ordination Act,

(2) Where the Board does not approve an application it shall give reasons.

(3) The Board may attach to a licence such conditions as it deems fit.

(4) No person or institution to which a licence has been issued under these Regulations shall lend, hire, sell, transfer or otherwise dispose of that licence to any person or institution without the approval of the Board, which approval shall be endorsed on the licence.

(5) The Board shall issue a Certificate of Disposal as prescribed in Form C upon confirmation the empty pesticide containers/waste have been disposed of in accordance to the regulations made under this Act.

4. Cancellation or suspension of licence

(1) The Board may cancel or suspend the licence issued under this Regulation if satisfied that—

- (a) the licensee, employee or agent has been convicted of an offence under the Act; or
- (b) the licensee, employee or agent has breached any of the terms or conditions of the licence; or
- (c) for any other reason, that it is in public interest to do so.

(2) Before cancelling or suspending a licence under this Regulation, the Board shall give the licensee twenty-one days' notice to show cause why the licence should not be cancelled or suspended.

5 Management of empty pest control product containers

(1) All pest control product labels should give appropriate instructions on how to handle empty pest control product containers in accordance with Regulation 127/2006 (Labeling, advertisement and packaging).

(2) No person shall dispose off an empty pest control product container in a manner likely to contaminate the environment or that could be hazardous to man and other organisms.

(3) Empty pest control product containers shall be delivered to an approved collection site or a licensed disposal facility

The collected empty pest control products containers shall be transported to licensed disposal facility in accordance with this Regulation

(4) Any person who does not comply with this Regulation commits an offence



FORM A

PEST CONTROL PRODUCT ACT

[Cap 346]

PEST CONTROL PRODUCTS (DISPOSAL) REGULATIONS, 2022

**APPLICATION FOR THE DISPOSAL OF PEST CONTROL PRODUCTS FOR
COMMERCIAL PURPOSE**

(to be typed or printed)

To: The Chief Executive Officer/Secretary

Pest Control Products Board

Waiyaki Way

PO BOX 13794-00800

Westlands-Nairobi

1. Applicants full name/Address.....
.....
.....
2. The company directors.....
.....
.....
3. Types of waste/(Products, formulation, state etc.).....
4. Quantity in details.....
5. Source(s) of wastes.....
6. Reasons for disposal.....
7. Methods of disposal to be used
(attach the details or the methods)
8. Qualification and experience of personnel.....
9. Disposal site.....(attach details).....

10. Transportation to the disposal site.....
.....
.....

11. Environmental impact Assessment report.....
.....

Applicant Sign/stamp..... Dated.....



FORM B

PEST CONTROL PRODUCT ACT

[Cap .346]

THE PEST CONTROL PRODUCTS (DISPOSAL) REGULATIONS ,2018

LICENCE No.....

This license is granted to.....

.....

To dispose the following pest control products wastes.....

.....

.....

Using the following methods.....

.....

at.....

.....

Chief Executive Officer/ Secretary

Signature..... Date.....



FORM C

PEST CONTROL PRODUCT ACT

[Cap.346]

PEST CONTROL PRODUCTS(DISPOSAL) REGULATIONS

CERTIFICATE OF DISPOSAL NO.....

This is to certify that on.....
.....

Satisfactory disposed of the following pest control products:

1.
2.
3.
4.
5.

Methods of disposal

1.
2.
3.
4.

Comments from the board.....
.....

Chief Executive Officer/Secretary..... Date.....

Stamp

The disposal certificate is not transferable.