

LEGAL NOTICE NO. 103

THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

THE PEST CONTROL PRODUCTS (DISPOSAL) REGULATIONS,
2024

ARRANGEMENT OF REGULATIONS

Regulation

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THE PEST CONTROL PRODUCTS ACT

(Cap. 346)

IN EXERCISE of the powers conferred by section 15 of the Pest Control Products Act, the Cabinet Secretary for Agriculture and Livestock Development, after consultation with the Pest Control Products Board, makes the following Regulations—

THE PEST CONTROL PRODUCTS (DISPOSAL) REGULATIONS,
2024

1. These Regulations may be cited as the Pest Control Products (Disposal) Regulations, 2024.

Citation.

2. In these Regulations, unless the context otherwise requires—

Interpretation.

“dispose” means any operation to isolate, neutralize, recycle or destroy pesticide waste, used containers and contaminated materials;

“hazardous waste” means any waste or combination of wastes with the potential to damage human health, living organisms or the environment;

“recycling” means process of collecting and processing materials that would otherwise be thrown away; and

“trans-boundary movement” means the movement of hazardous waste from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State;

provided that at least two States are involved in the movement.

3. (1) The object of these Regulations is to provide a framework for the safe disposal of obsolete and non-compliant pest control products and their packages to safeguard human health and the environment.

Object and purpose of the regulation.

(2) Without prejudice to the generality of sub-regulation (1), the object of these Regulations is to provide for the—

- (a) licensing of facilities for disposal of obsolete and non-compliant pest control products and packages;
- (b) methods of disposal of pest control products and packages; and
- (c) procedure for suspension or cancellation of a licence issued to a facility licensed to provide services of pest control products and packages disposal.

4. These Regulations shall apply to the disposal of pest control products and pest control products packaging.

Application.

5 (1) A person shall not dispose any pest control product or pest control product package in a manner that is detrimental to human health, animal health or the environment.

Disposal of pest control products.

(2) A person shall not dispose a pest control product, pest control product package, pesticide waste or treated seeds for commercial purposes unless the person has been issued with a licence issued by the Board.

(3) Subject to sub-regulation (1), a person may dispose a pest control product or pest control product package by—

- (a) recycling;
- (b) incineration;
- (c) autoclaving; or
- (d) any other method approved by the Board.

(4) For purposes of sub-regulation (3)—

- (a) recycling may be used for the disposal of pest control product packaging materials;
- (b) incineration may be used for the disposal of pest control products and their packaging material; and
- (c) autoclaving may be used for the disposal of microbial pest control products.

(5) The trans-boundary movement of a pest control product for purposes of disposal shall be subject to conventions, protocols, treaties or agreements to which Kenya has ratified.

(6) A person who contravenes the provisions of this regulation commits an offence.

(7) In this regulation, “autoclaving” means the sterilization of micro-organisms through steam under high temperature and high pressure

6 (1) A person who intends to dispose of pest control products for commercial purposes shall apply to the Board for a licence in Form A set out in the Schedule and shall pay the prescribed fee.

Application for pest control products disposal licence.

(2) The Board may issue the applicant with a Pest Control Disposal Licence if satisfied that the applicant—

- (a) intends to dispose the pest control product using methods approved by the Board;
- (b) has sufficient expertise to dispose of the pest control product;
- (c) has the requisite approvals set out in the Environmental Management and Co-ordination Act.

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(3) The Pest Control Disposal Licence shall be in Form B as set out in the Schedule.

7 (1) A person shall not dispose an empty pest control product packaging in a manner likely to contaminate the environment or that is hazardous to human health and other organisms.

Management of empty pest control product packaging.

(2) Each pest control product shall indicate on the label, the manner of disposal of the pest control product and its package.

(3) Any person who intends to dispose empty pest control product packaging shall deliver the empty pest control product packaging to an approved collection site or a licensed disposal facility in accordance with the Environmental Management and Co-ordination Act and the Sustainable Waste Management Act.

Cap. 387.
Cap 387C.

8 (1) The Board shall supervise the disposal of pest control products for commercial purposes and issue a Certificate of Disposal upon confirmation that the pest control product, package or waste have been disposed of in accordance with the provisions of these Regulations.

Supervision of
disposal of pest
control products.

(2) The certificate issued under sub-regulation shall be in Form C as set out in the Schedule.

9 (1) The Board may suspend a licence issued under these Regulations for a period not exceeding six months, if satisfied that the licensee has breached any of the terms and conditions of the licence.

Suspension of a
licence.

(2) Before suspending the licence under sub-regulation (1), the Board shall give the licensee a twenty-eight days' notice to show cause why the licence should not be suspended.

(3) The Board may lift the suspension of a licence if satisfied that the licensee has complied with the terms and conditions upon which the suspension was made.

(4) If the breach contemplated under sub-regulation (1) poses serious danger to human health or the environment, the Board shall cancel the licence with immediate effect.

10 (1) The Board may cancel a licence issued under these Regulations if the disposal of the pest control product or packaging poses an imminent danger to human health, environment and natural resources.

Cancellation of a
licence.

(2) Before cancelling the licence under sub-regulation (1), the Board shall give the licensee a twenty-eight days' notice to show cause why the licence should not be cancelled and the Board's decision in the matter shall be final.

10. A person who commits an offence under these Regulations for which no penalty is provided shall be liable on conviction to the penalty specified under section 12A of the Act.

General penalty.

12. The Pest Control Products (Disposal) Regulations are revoked.

Revocation.
Sub. Leg.

SCHEDULE
FORMS



FORM A

(r.6(1))

THE PEST CONTROL PRODUCT ACT
(Cap 346)

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

(r.6(2))

THE PEST CONTROL PRODUCT ACT

(Cap 346)

THE PEST CONTROL PRODUCTS (DISPOSAL) REGULATIONS

PEST CONTROL DISPOSAL LICENCE

Licence No:

This Licence is granted to.....

To dispose the following pest control products wastes

1.
2.
3.
4.

Using the following methods of disposal

1.
2.
3.
4.

At

Chief Executive Officer/ Secretary

Signature:.....

Date.....

The Licence is not transferable.



FORM C

(r.8)

THE PEST CONTROL PRODUCT ACT
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THE PEST CONTROL PRODUCTS (DISPOSAL) REGULATIONS
CERTIFICATE OF DISPOSAL

Certificate No:

This is to certify that on.....

Satisfactorily disposed of the following pest control products:

- 1.
- 2.
- 3.

Methods of disposal

- 1.
- 2.
- 3.

Comments from the Board.....

Managing Director.....

Date

Stamp

Made on the 22nd May, 2024.

MITHIKA LINTURI,
Cabinet Secretary for Agriculture
and Livestock Development.